PB83-126995

Regulations and Non-Regulatory Revisions to State Implementation Plan: Massachusetts

Atlantic Environmental Associates, Inc.
Waltham, MA

Prepared for

Environmental Protection Agency
Research Triangle Park, NC

Oct 81

U.S. Department of Commerce
National Technical Information Service
NTIS

United States
Environmental Protection
Agency

Office of Air Quality
Planning and Standards
Research Triangle Park NC 27711

EPA-450/2-81-041
July 1981

PB83-126995

Air

EPA

Regulations and Non-Regulatory Revisions to State Implementation Plan: Massachusetts

REPRODUCED BY
NATIONAL TECHNICAL
INFORMATION SERVICE
U.S. DEPARTMENT OF COMMERCE
SPRINGFIELD, VA 22161

EPA-450/2-81-041

Regulations and Non-Regulatory Revisions to State Implementation Plan: Massachusetts

By

Atlantic Environmental Associates, Inc.
59 Vernon Street
Waltham, MA 02154

Contract No. 68-02-3565

EPA Project Officer: Willis P. Beal

Prepared for

U.S ENVIRONMENTAL PROTECTION AGENCY
Control Programs Development Division
Office of Air Quality Planning and Standards
Research Triangle Park, North Carolina 27711

July 1981

TECHNICAL REPORT DATA
(Please read Instructions on the reverse before completing)

1. REPORT NO. EPA-450/2-81-041	**2.**	**3. RECIPIENT'S ACCESSION NO.** PB83 126995
4. TITLE AND SUBTITLE Regulations and Non-Regulatory Revisions to State Implementation Plan: Massachusetts		**5. REPORT DATE** October, 1981
		6. PERFORMING ORGANIZATION CODE
7. AUTHOR(S)		**8. PERFORMING ORGANIZATION REPORT NO.**
9. PERFORMING ORGANIZATION NAME AND ADDRESS Atlantic Environmental Associates, Inc. 59 Vernon Street Waltham, MA 02154		**10. PROGRAM ELEMENT NO.**
		11. CONTRACT/GRANT NO. 68-02-3565
12. SPONSORING AGENCY NAME AND ADDRESS Control Programs Development Division Office of Air Quality Planning and Standards Research Triangle Park, NC 27711		**13. TYPE OF REPORT AND PERIOD COVERED**
		14. SPONSORING AGENCY CODE

15. SUPPLEMENTARY NOTES

EPA Project Officer: Willis P. Beal

16. ABSTRACT

This document has been produced in compliance with Section 110(h) of the Clean Air Act, as amended in 1977, whith mandates periodic publication of State Implementation Plan (SIP) requirements. The first section of the document comprises the Federally approved SIP regulations. It consists of the EPA-approved State and/or local air pollution control regulations cited by reference in the Federal Register; regulations promulgated as of August 1, 1981 have been included in this document.

The present compilation constitutes an update of a previous documentation of regulations as of July 1, 1979. State and/or local air quality regulations which have not been Federally approved as of August 1, 1981, are not included. However, any omissions of regulations from this document in no way affects the ability of the respective Federal, State, or local agencies to enforce such regulations. A summary sheet of the regulatory revisions is provided to give a quick historical assessment of the changes.

The second part of the document contains the text of non-regulatory SIP revisions approved by EPA up to August 1, 1981, excluding notices or certifications of public hearings and technical support data. A complete tabulation of these revisions is also provided.

17. KEY WORDS AND DOCUMENT ANALYSIS

a. DESCRIPTORS	b. IDENTIFIERS/OPEN ENDED TERMS	c. COSATI Field/Group
Air Pollution State Regulations State Implementation Plans		

18. DISTRIBUTION STATEMENT Release Unlimited	**19. SECURITY CLASS** *(This Report)* Unclassified	**21. NO. OF PAGES** 119
	20. SECURITY CLASS *(This page)* Unclassified	**22. PRICE**

EPA Form 2220-1 (Rev. 4-77) PREVIOUS EDITION IS OBSOLETE

This report has been reviewed by the Control Programs Development Division of the Office of Air Quality Planning and Standards, EPA, and approved for publication. Mention of trade names or commercial products is not intended to constitute endorsement or recommendation for use. Copies of the entire document are available for inspection and copying at EPA Headquarters (401 M Street SW, Washington, DC 20460), EPA's Office of Air Quality Planning and Standards (Room 826, 411 West Chapel Hill Street, Durham, NC 27701), and the appropriate EPA Regional Offices. Documents containing only the regulatory portions of each State Implementation Plan may be ordered for a nominal fee from the National Technical Information Services, U.S. Department of Commerce, 5285 Port Royal Road, Springfield, Virginia 22161.

PREFACE

This document has been produced in compliance with Section 110(h) of the Clean Air Act, as amended in 1977, which mandates periodic publication of State Implementation Plan (SIP) requirements. The first section of the document comprises the Federally approved SIP regulations. It consists of the EPA approved State and/or local air pollution control regulations cited by reference in the Federal Register; all regulations Federally promulgated as of August 1, 1981 have been included.

The present compilation constitutes an update of a previous documentation of regulations as of July 1, 1979.* State and/or local air quality regulations which have not been Federally approved as of August 1, 1981 are not included. However, any omissions of regulations from this document in no way affects the ability of the respective Federal, State or local agencies to enforce such regulations.

This document is not intended to provide a tool for determining the enforceability of any given regulation. Rather, it is intended to provide a comprehensive compilation of those regulations which are incorporated by reference into Title 40, Part 52, of the Code of Federal Regulations (CFR). The exclusion of a Federally approved regulation from this document does not diminish the enforceability of the regulation. Similarly, the inclusion of a given regulation in this document does not, in itself, render the regulation enforceable by either the State or EPA.

The regulations have been organized in this document according to the official State/local agency format. However, since State air quality regulations vary widely in their organization, content, and language, a standardized subject index has been added. The index listings consist of both pollutant and activity oriented categories to facilitate usage. For example, regulations which apply to copper smelters may be found under sulfur compounds (50.2), particulate matter process weight (50.1.1), or copper smelters (51.15). Federal regulations pertaining to a given State are not included herein but can be found under Title 40 Code of Federal Regulations, Part 52.

Additionally, a summary sheet of the regulatory revisions is included to provide a quick historical assessment of the changes. These summary sheets contain the date of submittal to EPA of each revision and the Federal Register publication date on which the revision was approved by EPA. A brief description of the regulation which was submitted is also included.

In accordance with the Act, the second part of the document contains non-regulatory SIP revisions approved by EPA up to August 1, 1981. All approved non-regulatory revisions listed under Identification of Plan in the CFR are included except notices or certifications of public hearings, and technical support data. Non-regulatory submittals which have only received EPA approval on selected elements are included in their entirety with an accompanying indication of the status of Federal actions on the non-approved elements. The non-regulatory revisions have been organized in this document according to the date of publication of EPA approval in the *Federal Register*. For historical completeness, a complete tabulation of these revisions is provided at the beginning of this second section.

---

* Regulations and Non-Regulatory Revisions to State Implementation Plan: Massachusetts, EPA-450/2-80-028, prepared under Contract 68-02-3388, July 31, 1980.

SUMMARY OF
EPA-APPROVED REGULATORY REVISIONS TO STATE OF MASSACHUSETTS SIP
BETWEEN JULY 1, 1979 AND JULY 31, 1981

Publication of Approval	Submittal Date	Page	Document Description
05/21/79 and 10/02/79	07/20/78 12/28/78 01/03/79 01/31/79	44FR29453 44FR56696	Regulation 7.05(4) Ash Content of Fuel. Regulation 7.05(1) Sulfur Content of Fuels and Control Thereof for Southeastern MA, Pioneer Valley, Metropolitan Boston, Central MA and Merrimack Valley.
07/16/79	03/02/79	44FR41180	Revision permanently extending Regulation 310 CMR 7.05(1) (formerly Regulation 5.1) "Sulfur Content of Fuels and Control Thereof" for the Central Massachusetts APCD. (Note: Approved only for the following sources: American Optical Company, Southbridge, Wyman Gordon Company, Grafton, James River - Massachusetts Inc., Fitchburg, Fitchburg Paper Company, Fitchburg (only boilers which emit through the 55 meter stack.)
01/10/80	03/30/79	45FR2043	Revisions to Set I Pollutants. Total suspended particulate plan for the City of Worcester.
01/10/80	05/03/79	45FR2043	Amendment to 310 CMR 7.00 and 7.02, regulation-all districts, new source review element.
05/28/80	08/21/79	45FR35804	Revision of state ambient air quality standards - lead and ozone.
06/17/80	09/28/79	45FR40988	Revision to Regulation 310 CMR 7.07, open burning.
06/17/80	09/28/79	45FR40988	Amendment to Regulation CMAPCD-310 CMR 7.05(1) for the Fitchburg Paper Company, Fitchburg, the James River - MA, Inc., Fitchburg, to allow the year-round burning of higher sulfur fuel.
09/10/80	04/17/80	45FR59578	Revision of Regulation 310 CMR 7.02(2)b by adding new criterion. - DEQE.
09/16/80	05/16/79	45FR61303	Amendments to 310 CMR 7.00 (Def.), 7.02(12) (Organic VOC Material), and New 7.18 (VOC) and amendment to 7.16 (transportation).
09/16/80	09/19/79	45FR61303	Amendments to 7.18(2)(d) (Compliance with Emission Limitations), 7.02(12)(a) 1, 2, and 4 (VOC Organic Material).
09/16/80	03/20/80	45FR61303	Amendments to 7.00 (Definitions); 7.02(12)(a) (VOC Organics); 7.18(2)(d) and (9) (VOC Cutback Asphalt).
09/16/80	04/17/80	45FR61303	New Source Review Regulation 7.02(2)(b) (approved in 01/10/80 Rulemaking).
12/15/80	11/27/79	45FR82252	Revision to SIP allowing Procter and Gamble plant in Quincy to increase its sulfur-in-fuel content from 1% to 2.2% - MA DEQE.
01/19/81	03/02/79	46FR4918	Revision to SIP amending Regulation 310 CMR 7.05(1)e "Sulfur Content of Fuels and Control Thereof" for Pioneer Valley Air Pollution Control District. (approval of increase of sulfur-in-fuel limit from 1% to 2.2% for all sources in Franklin and Hampshire Counties rated at less than 100 million BTU heat capacity except: Esleeck Manufacturing Co., Montague Strathmore Paper Co., Montague Millers Falls Paper Co., Millers Falls - Commissioner of Mass. DEQE.
01/27/81	04/25/80	46FR8476	Revision to regulation 7.05(1) "Sulfur Content of Fuels and Control Thereof" for Metropolitan Boston APCD permitting Natick Paperboard Corp. to increase sulfur-in-fuel content from 1% to 2.2%.

TABLE OF CONTENTS

STATE REGULATIONS*

Revised Standard Subject Index	Regulation Number	Title	Page	
(4.0)	6.04	Ambient Air Quality Standards	1	
(1.0)	7.00	Definitions	2	
(2.0)	7.01	General Regulations to Prevent Air Pollution	10	
(3.0)(10.0)(51.21)	7.02	Plans Approval and Emission Limitations	10	
(51.21)	7.03	Nuclear Energy Utilization Facilities	27	
(51.5)	7.04	Fossil Fuel Utilization Facilities	28	
(50.2)(51.6)	7.05	Fuels	32	
(50.1.2)	7.06	Visible Emissions	57	57
(51.13)	7.07	Open Burning	59	59
(51.9)	7.08	Incinerators	61	61
(50.1.3)(50.6)(51.3)	7.09	Dust and Odor, Construction, and Demolition	62	62
(50.7)	7.10	Noise	64	64
(12.0)	7.11	Transportation Media	64	64
(13.0)	7.12	Registration, Record Keeping and Reporting	65	65
(9.0)	7.13	Stack Testing	67	67
(13.0)	7.14	Monitoring Devices and Reports	68	68
(50.7)	7.15	Asbestos	69	69
(12.0)	7.16	Reduction of Single Passenger Commuter Vehicle Use	69	69
(51.2)	7.17	SE Coal Conversion - Brayton Point Station	77	77
(50.4)	7.18	Volatile Organic Compounds	78	

---

* In 1978, Massachusetts changed its system of numbering State Regulations. All State Regulations have been prefixed by the number "7". For example, Regulation 5 is changed to Regulation 7.05.

TABLE OF CONTENTS (Cont.)

Revised Standard Subject Index	Regulation Number	Title	Page
(50.2)(51.6)	7.19	Interim Sulfur-in-Fuel Limitations for Fossil Fuel Utilization Facilities Pending Conversion to an Alternative Fuel or Implementation of Permanent Energy Conservation Measures	85
	7.20 - 7.4	(Reserved for Future Use)	90
(5.0)	7.50	Variances	90
(16.0)	7.51	Hearings Relative to Orders and Approvals	91
(15.0)	7.52	Enforcement Provisions	91
	7.53 - 7.59	(Reserved for Future Use)	91
(2.0)	7.60	Severability	91

REGULATIONS FOR THE PREVENTION AND/OR ABATEMENT OF AIR POLLUTION EPISODE AND AIR POLLUTION INCIDENT EMERGENCIES

Revised Standard Subject Index	Regulation Number	Title	Page
(8.0)	1	Introduction	93
(1.0)	2	Definitions	94
(8.0)	3	Air Pollution Episode Criteria	95
(8.0)	4	Air Pollution Episode Potential Advisories	100
(8.0)	5	Declaration of Air Pollution Episodes and Incidents	100
(8.0)	6	Termination of Air Pollution Epidsodes and Incident Emergencies	100
(8.0)	7	Emission Reductions Strategies	101
(8.0)	8	Emission Reduction Plans (ERP)	103
-	9-14	Reserved	104
(8.0)	15	Air Pollution Incident Emergency (APIE)	104
-	16-20	Reserved	104
(16.0)	21	Hearings	104

TABLE OF CONTENTS (Cont.)

Revised Standard Subject Index	Regulation Number	Title	Page
(15.0)	22	Enforcement Provisions	104
-	23-29	Reserved	105
(2.0)	30	Severability	105

REVISED STANDARD SUBJECT INDEX

1.0 DEFINITIONS
2.0 GENERAL PROVISIONS AND ADMINISTRATIVE PROCEDURES
3.0 REGISTRATION CERTIFICATES, OPERATING PERMITS AND APPLICATIONS
4.0 AIR QUALITY STANDARDS (PRIMARY AND SECONDARY)
    4.1 PARTICULATES
    4.2 SULFUR DIOXIDE
    4.3 NITRIC OXIDES
    4.4 HYDROCARBONS
    4.5 CARBON MONOXIDE
    4.6 OXIDANTS
    4.7 OTHERS
5.0 VARIANCES
6.0 COMPLIANCE SCHEDULES
7.0 EQUIPMENT MALFUNCTION AND MAINTENANCE
8.0 EMERGENCY EPISODES
9.0 AIR QUALITY SURVEILLANCE AND SOURCE TESTING
10.0 NEW SOURCE PERFORMANCE STANDARDS
11.0 NATIONAL EMISSIONS STANDARDS FOR HAZARDOUS AIR POLLUTANTS
12.0 MOTOR VEHICLE EMISSIONS AND CONTROLS
13.0 RECORD KEEPING AND REPORTING
14.0 PUBLIC AVAILABILITY OF DATA
15.0 LEGAL AUTHORITY AND ENFORCEMENT
16.0 HEARINGS, COMPLAINTS, AND INVESTIGATIONS
17.0 PREVENTION OF SIGNIFICANT DETERIORATION
18.0 AIR QUALITY MAINTENANCE AREA
19.0 EMISSION OFFSET POLICY
20.0 MAJOR STATIONARY SOURCES
21.0 - 49.0
    RESERVED FOR FUTURE EXPANSION OF COMMON INDEX
50.0 POLLUTANT - SPECIFIC REGULATIONS
    50.1 PARTICULATES

50.1.1 PROCESS WEIGHT

50.1.2 VISIBLE EMISSIONS

50.1.3 GENERAL

50.2 SULFUR COMPOUNDS

50.3 NITRIC OXIDES

50.4 VOLATILE ORGANIC COMPOUNDS

50.5 CARBON MONOXIDE

50.6 ODOROUS POLLUTANTS

50.7 OTHERS (Pb, Hg, etc.)

51.0 SOURCE CATEGORY SPECIFIC REGULATIONS

51.1 AGRICULTURAL PROCESSES (includes Grain Handling, Orchard Heaters, Rice and Soybean Facilities, Related Topics)

51.2 COAL OPERATIONS (includes Cleaning, Preparation, Coal Refuse Disposal Areas, Coke Ovens, Charcoal Kilns, Related Topics)

51.3 CONSTRUCTION (includes Cement Plants, Materials Handling, Topics Related to Construction Industry)

51.4 FERROUS FOUNDRIES (includes Blast Furnaces, Related Topics)

51.5 FUEL BURNING EQUIPMENT (coal, natural gas, oil) - Particulates (includes Fuel Content and Other Related Topics)

51.6 FUEL BURNING EQUIPMENT (coal, natural gas, oil) - SO_2 (includes Fuel Content and Other Related Topics)

51.7 FUEL BURNING EQUIPMENT (oil, natural gas, coal) - NO_2 (includes Fuel Content and Other Related Topics)

51.8 HOT MIX ASPHALT PLANTS

51.9 INCINERATION

51.10 NITRIC ACID PLANTS

51.11 NON-FERROUS SMELTERS (Zn, Cu, etc.) - Sulfur Dioxide

51.12 NUCLEAR ENERGY FACILITIES (includes Related Topic)

51.13 OPEN BURNING (includes Forest Management, Forest Fire, Fire Fighting Practice, Agricultural Burning and Related Topics)

51.14 PAPER PULP; WOOD PULP AND KRAFT MILLS (includes Related Topics)

51.15 PETROLEUM REFINERIES

51.16 PETROLEUM STORAGE (includes Loading, Unloading, Handling and Related Topics)

51.17 SECONDARY METAL OPERATIONS (includes Aluminum, Steel and Related Topics)

51.18 SULFURIC ACID PLANTS

51.19 SULFURIC RECOVERY OPERATIONS
51.20 WOOD WASTE BURNERS
51.21 MISCELLANEOUS TOPICS
51.22 COATING OPERATIONS (Can, Coil, Paper, Fabric, Vinyl, Metal, Wire, Surface Coating)
51.23 CUTBACK ASPHALT
51.24 SOLVENT METAL CLEANING

MASSACHUSETTS AMBIENT AIR QUALITY STANDARDS
REGULATION 6

6.04. Standards

(4) Primary and Secondary Ambient Air Quality Standards for Ozone. The primary and secondary ambient air quality standard for ozone, measured and corrected for interferences due to nitrogen oxides and sulfur dioxide by the reference method described in 40 CFR Part 50, or by an equivalent method, is 240 micrograms per cubic meter (0.12 ppm) - and is expressed in a statistical form so that determination of attainment will be made when the expected number of days per calendar year with maximum hourly average concentrations above 240 ug/M^3 (0.12 ppm) is equal to or less than one.

(7) Primary and Secondary Ambient Air Quality Standards for Lead. The primary and secondary ambient air quality standard for lead measured by the reference method described in 40 CFR Part 50, or by an equivalent method is: 1.5 micrograms per cubic meter - calendar quarter.

REGULATION 7.00. Preamble

The purpose of these regulations is to prevent the occurrence of conditions of air pollution where such do not exist and to facilitate the abatement of conditions of air pollution where and when such occur. They are designed to attain, preserve, and conserve the highest possible quality of the ambient air compatible with needs of society.

Definitions

When used in these regulations or in communications, notices or orders relative thereto, the following words and phrases shall have the meanings ascribed to them below:

AEROSOL means a system of solid or liquid particles dispersed in a gas.

AFFECTED FACILITY means any employment facility at which 250 or more employees are commuters or any educational facility at which 1000 or more persons are commuters.

AGRICULTURE (for the purpose of 310 CMR 7.07) means those practices involved with the cultivation of soil for purposes of crop production and/or the raising of livestock when such crops are produced primarily for commercial foodstuffs and such livestock are raised primarily for commercial foodstuffs or work purposes.

AIR means atmosphere.

AIR CONTAMINANT means any substance or man-made physical phenomenon in the ambient air space and includes, but is not limited to, dust, flyash, gas, fume, mist, odor, smoke, vapor, pollen, microorganism, radioactive material, radiation, heat, sound, any combination thereof, or any decay or reaction product thereof.

AIR CONTAMINATION SOURCE means any place at or from which any air contaminant is emitted to the ambient air space.

AIR POLLUTION means the presence in the ambient air space of one or more air contaminants or combinations thereof in such concentrations and of such duration as to:

a. cause a nuisance;

b. be injurious, or be on the basis of current information, potentially injurious to human or animal life, to vegetation, or to property; or

c. unreasonably interfere with the comfortable enjoyment of life and property or the conduct of business.

ALTERNATIVE FUEL shall mean for Section 7.19 a fuel other than a petroleum product. It shall include, but not be limited to wood, biomass, coal, coal oil mixture, or synthetic fuel. It shall not include any substance that the Department determines is not appropriate. Renewable forms of energy that do not have the potential to emit air contaminants, including but not limited to solar, hydro and wind, shall be treated as Energy Conservation Measures.

AMBIENT AIR SPACE means the unconfined space occupied by the atmosphere above the geographical area of the District.

ASBESTOS means substances classified and referred to as actionlite, amosite, anthrrophyllite, chrysotile, crocidolite, and tremolite.

AUTOMOTIVE SURFACE COATING means the coating at automobile assembly plants of bodies and front end sheet metal (hood and fenders) of passenger cars capable of seating 12 or fewer passengers or light duty vehicles rated at 8500 pounds gross weight or less or derivatives of such vehicles.

B.T.U. means British thermal unit, the amount of heat necessary to raise the temperature of one pound of water from 39 degrees F to 40 degrees F.

BASE DATE means the date on which the base number of single-occupant commuter vehicles at a particular employment facility or educational institution must be determined.

CHART means the Ringleman Scale for grading the density of smoke, as published by the United States Bureau of Mines and as referred to in the Bureau of Mines Information Circular No. 8333, or any smoke inspection guide approved by the Department.

COATING LINE means one or more apparatuses or operations comprised of a coating applicator, flash-off area, and drying or curing oven wherein surface coating is applied, dried, and/or cured. A line applies one or more layers of surface coating.

COMMUTER means any employee or student during his or her journey to or from work or classes.

CUTBACK ASPHALT means asphalt cement which has been liquefied by blending with petroleum solvent (diluents) such that the blend contains greater than seven per cent by weight of such petroleum solvents. Upon exposure to atmospheric conditions the diluents evaporate, leaving the asphalt cement to perform its function.

DEPARTMENT means the Department of Environmental Quality Engineering.

DISTRICT means the Berkshire (BAPCD), Central Massachusetts (CMAPCD), Merrimack Valley (MVAPCD), Metropolitan Boston (MBAPCD), Pioneer

Valley (PVAPCD), and Southeastern Massachusetts (SMAPCD) Air Pollution Control Districts.

DUST means finely divided solid matter.

EMISSION means any discharge or release of an air contaminant to the ambient air space.

EMPLOYEE means any person who performs work for an employer seventeen or more hours per week and for more than twenty weeks per year for compensation and who travels to and from work by any mode of travel.

EMPLOYER means any person or entity who employs 250 or more daytime employee commuters at any time during a calendar year at any employment facility, or any educational institution with 1000 or more commuters.

EMPLOYMENT FACILITY means any facility or group of facilities of the same employer which are within walking distance of each other at which 250 or more persons are commuters.

EXISTING FACILITY means any facility that is in operation on or before June 1, 1972, or any proposed facility of which the construction, substantial reconstruction or alteration of which has been approved in writing by the Department on or before June 1, 1972. All facilities as specified in the Federal Register, Volume 36, No. 247, December 23, 1971, the construction or modification of which was initiated after August 17, 1971 shall not be defined as existing facilities.

FACILITY means any installation or establishment and equipment associated therewith capable of emissions.

FLYASH means the aerosolized solid component of burned or partially burned fuel. "Soot" and "cinders" are included within the meaning of the term "flyash."

FOSSIL FUEL UTILIZATION FACILITY means any furnace(s), fuel burning equipment, boiler(s), or any appurtenance thereto used for the burning of fossil fuels, for the emission of products of combustion, or in connection with any process which generates heat and may emit products of combustion, but does not mean a motor vehicle.

FRIABLE means material that can be crumbled, pulverized, or reduced to power when dry, by hand pressure.

FUEL means any solid, liquid, or gaseous material such as, but not limited to, coal, gasoline, manufactured gas, natural gas, oil, or wood, used for the production of heat or power by burning.

- Distillate fuel oil means No. 1 or No. 2 fuel oil. Distillate fuel oil having a sulfur content of 0.17 pounds of sulfur per million B.t.u. heat release potential is approximately equal distillate fuel oil having a sulfur content of 0.3 per cent, by weight.

- Fossil fuel means coal, coke, distillate oil, residual oil, or natural or manufactured gas.
- Residual fuel oil means No. 4, No. 5, or No. 6 fuel oil. Residual fuel oil having a sulfur content of 0.55 and 0.28 pounds of sulfur per million B.t.u. heat release potential is approximately equal to residual fuel oil having a sulfur content of 1.0 and 0.5 per cent, by weight, respectively.

FUEL ADDITIVE means any substance which is not a natural component of the fuel to which it may be added or in conjunction with which it may be used.

FUME means any aerosol resulting from chemical reaction, distillation, or sublimation.

FURNACE means any enclosed structure designed to produce heat from the burning of a fuel therein, but does not mean open hearths, incinerators, stoves for cooking, fireplaces, or equipment for the melting, reclaiming, or refining of metals or maple syrup.

GAS means the state of matter having neither independent shape nor independent volume but having a tendency to expand and diffuse infinitely.

HAND-FIRED FURNACE means any furnace in which fuel is manually placed directly on the hot fuel bed but does not mean stoves or other equipment used for the cooking of food, or fireplaces.

INCINERATOR means any article, machine, equipment, contrivance, structure, or part of a structure, used primarily for the reduction of combustible wastes by burning.

COMMERCIAL or INDUSTRIAL INCINERATOR means any incinerator operated by any commercial or industrial establishment primarily for the reduction of refuse generated by said establishment.

DOMESTIC INCINERATOR means any incinerator used primarily for the reduction of domestic refuse generated on the premises.

FLUE-FED INCINERATOR means any incinerator provided with a single flue which serves as both the charging chute and the duct for conduction of the products of combustion to the ambient air space.

MODULAR INCINERATOR means any incinerator of a standard design and identifiable by the manufacturer's markings.

MUNICIPAL INCINERATOR means any incinerator operated by any person primarily for the reduction of refuse generated by the public at large.

SPECIAL INCINERATOR means any incinerator designed for a special purpose such as but not limited to burning of biological, pathological, or toxicological wastes or for a specific facility.

LARGE APPLIANCE SURFACE COATING means the coating of doors, cases, lids, panels, and interior support parts of residential and commercial washers, dryers, ranges, refrigerators, freezers, water heaters, dish washers, trash compactors, air conditioners, and other associated products.

MAGNET WIRE INSULATION SURFACE COATING means the application of electrically insulating varnish or enamel to aluminum or copper wire for use in electrical machinery.

MAJOR SOURCES for the purposes of Regulation 2.5 is defined as any fossil fuel utilization facility having an energy input capacity rated by the Department as greater than 30,000,000 B.t.u's per hour; any incinerator having a charging rate greater than 1000 lbs. per hour, any asphalt batching plant, ferrous or non-ferrous foundry, or aggregate manufacturing or processing plant.

METAL CAN SURFACE COATING means the coating of two or three piece metal cans.

METAL FURNITURE SURFACE COATING means the coating of any metal parts which will be assembled with other metal, wood, fabric, plastic, or glass parts to form a furniture piece.

MIST means any liquid aerosol formed by the condensation of vapor or by the atomization of liquids.

MOTOR VEHICLE means any equipment or mechanical device propelled primarily on land by power other than muscular power but does not mean railroad and railway engines and cars, vehicles operated by the system known as trolley motor or trackless trolley, or devices used for domestic purposes.

NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS (NESHAPS) means those standards adopted by the U.S. Environmental Protection Agency and contained in the Code of Federal Regulations, Title 40, Part 61, and subsequent revisions as specified in the Regulations.

NEW SOURCE PERFORMANCE STANDARDS (NSPS) means Standards of Performance for New Stationary Sources adopted by the U.S. Environmental Protection Agency and contained in the Code of Federal Regulations, Title 40, Part 60, and subsequent revisions as specified in the Regulations.

NOISE means sound of sufficient intensity and/or duration as to cause or contribute to a condition of air pollution.

ODOR means that property of gaseous, liquid, or solid materials that elicits a physiologic response by the human sense of smell.

OPACITY means that characteristic of matter which renders it capable of interfering with the transmission of rays of light and causes a degree of obscuration of an observer's view.

OPEN BURNING means burning under such conditions that the products of combustion are emitted directly directly to the ambient air space and are not conducted thereto through a stack, chimney, duct, or pipe. Open burning includes above or underground smoldering fires.

ORGANIC MATERIAL means any chemical compound of carbon excluding carbon monoxide, carbon dioxide, carbonic acid, metallic carbonates, metallic carbides and ammonium carbonates.

PARTICULATE means any material that exists in a finely divided form as a liquid or solid at ambient air temperatures, humidity, and pressures.

PERSON means any individual, partnership, association, firm, syndicate, company, trust, corporation, department, authority, bureau, agency, political subdivision of the Commonwealth, law enforcement agency, fire fighting agency, or any other entity recognized by law as the subject of rights and duties.

POTENTIAL EMISSION (for the purpose of 310 CMR 7.02(2)(b)(5)) means the total amount of contaminants which could be released or discharged to the ambient air from a facility without the use of equipment to limit such contaminant release or discharge if the facility were to operate either (1) at maximum capacity for 24 hours per day, 365 days per year or (2) in accordance with another operating rate and/or schedule as approved by the Department.

POTENTIAL EMISSION (for the purpose of 310 CMR 7.18) means the total amount of volatile organic compounds that could be released or discharged to the ambient air as of August 7, 1977 if a coating line were to operate either (1) at maximum capacity 24 hours a day, 365 days per year, without the use of equipment to limit such volatile organic release or discharge, or (2) in accordance with a schedule aproved by the Department.

PROCESS WEIGHT PER HOUR means the total weight of all materials introduced into any specific process that may cause any emissions of particulate matter. Solid fuels charged are considered as part of the process weight, but liquid and gaseous fuels and combustion air are not. For a cyclical or batch operation, the process weight per hour is derived by dividing the total process weight by the number of hours in one complete operation from the beginning of any given process to the completion thereof, excluding any time during which the equipment is idle. For a continuous operation, the process weight per hour is derived by dividing the process weight for a typical period of time.

RADIATION means any ionizing or non-ionizing electromagnetic or particulate radiation or any sonic, infrasonic, or ultrasonic wave.

RADIOACTIVE MATERIAL means any material or materials in combination (solid, liquid, or gaseous) which emit(s) ionizing radiation.

REASONABLY AVAILABLE CONTROL TECHNOLOGY means the lowest emission limitation that a particular facility is capable of meeting by the application of control technology that is reasonably available considering technological and economic feasibility.

REFUSE means any animal, vegetable, or mineral solid, liquid, or gaseous waste. It includes, but is not limited to, rubbish, garbage, ashes, construction wastes, industrial wastes, commercial wastes, demolition wastes, agricultural wastes, abandoned vehicles, and any unwanted or discarded material.

REGISTRY means the Registry of Motor Vehicles.

SECRETARY means the Secretary of Transportation and Construction.

SINGLE OCCUPANT COMMUTER VEHICLE means a motor-powered vehicle with four or more wheels with capacity for a driver plus one or more passengers which is used by a commuter traveling alone to and/or from work or classes and is not customarily required to be used in the course of his employment or studies.

SMALLER EMPLOYERS means any person or entity who employs between 50 and 250 employee commuters who are located within an industrial or office park and are within walking distance of each other.

SMOKE means the visible aerosol, which may contain flyash, resulting from combustion of materials but does not mean condensed water vapor.

SOLVENT METAL DEGREASING means the process of cleaning solids from metal surfaces by using a volatile organic compound.

- Cold cleaning degreasing - means the batch process of solvent metal cleaning by spraying, brushing, flushing or immersion while maintaining the solvent below its boiling point. Wipe cleaning is not included in this definition.

- Conveyorized degreasing - means the continuous process of solvent metal cleaning by operating with either cold or vaporized solvents.

- Vapor degreasing - means the process of solvent metal cleaning by condensing hot solvent vapor on the colder metal parts.

SOUND means the phenomenon of alternate increases and decreases in the pressure of the atmosphere, caused by radiations having a frequency range of from twenty (20) to twenty thousand (20,000) cycles per second, that elicits a physiologic response by the human sense of hearing.

STANDARD OPERATING PROCEDURE (S.O.P.) means the specific procedure for operation of, and which minimizes the emission from, an air contamination source.

STUDENT means any day-time student who does not live at the educational institution and who travels to and from classes by any mode of travel.

SUBSTANTIAL RECONSTRUCTION means any physical change in, or change in the method of operation of a facility or its appurtenances which changes the amount of emissions from such facility.

SULFUR IN FUEL - for the purpose of Regulation 310 CMR 7.05, sulfur in fuel is as follows:

(a) Oil

2% sulfur content = 1.10 pounds of sulfur per million B.t.u. heat release potential
1% sulfur content = 0.55 pounds of sulfur per million B.t.u. heat release potential
0.5% sulfur content = 0.28 pounds of sulfur per million B.t.u. heat release potential.

(b) Coal

1.43% sulfur content = 1.10 pounds of sulfur per million B.t.u. heat release potential (assuming 13,000 B.t.u. per pound)
0.72% sulfur content = 0.55 pounds of sulfur per million B.t.u. heat release potential (assuming 13,000 B.t.u. per pound)
0.36% sulfur content = 0.28 pounds of sulfur per million B.t.u. heat release potential (assuming 13,000 B.t.u. per pound)

SURFACE COATING means a process whereby a layer of one substance is deposited on or in another material. The layer of coating may be used to decorate, protect, strengthen or impart other properties to substrate.

THIRD-PARTY VANPOOL PROGRAM means a vanpool program operated by an organization other than an employer which acquires and provides vans to groups of interested commuters.

VAPOR means the gaseous state of certain substances that can exist in equilibrium with their solid or liquid states under standard conditions.

VOLATILE ORGANIC COMPOUND (VOC) means any compound of carbon (excluding carbon monoxide, carbon dioxide, carbonic acid, metallic carbides or carbonates, and ammonium carbonate) that has a vapor pressure greater than 0.10 mm (0.0019 inches) of Hg at a temperature of 20 degrees C (68 degrees F).

REGULATION 7.01. U General Regulations to Prevent Air Pollution

1.1 No person owning, leasing, or controlling the operation of any air contamination source shall willfully, negligently, or through failure to provide necessary equipment or to take necessary precautions, permit any emission from said air contamination source or sources of such quantities of air contaminants which will cause, by themselves or in conjunction with other air contaminants, a condition of air pollution.

REGULATION 7.02. Plans Approval and Emission Limitations

2.1 Preface to Regulations - disapproved.

2.2 U General

2.2.a No person shall construct, substantially reconstruct or alter any facility regulated herein that may cause or contribute to a condition of air pollution unless the plans, specifications, proposed Standard Operating Procedure, and the Proposed Maintenance Procedure for such facility have been submitted to the Department for approval and approval has been granted in writing.

1. Application for approval to construct, substantially reconstruct, or alter any facility shall be made on forms furnished by the Department, or by other means prescribed by the Department.
2. Each application shall be signed by the applicant.
3. Each application shall be accompanied by site information, plans, descriptions, specifications, and drawings showing the design of the facility, the nature and amount of emissions, and the manner in which it will be operated and controlled.
4. Any additional information, plans, specifications, evidence of documentation that the Department may require shall be furnished upon request.
5. All plans and specifications submitted to the Department shall bear the seal and signature of a professional engineer registered in the Commonwealth under the provisions of Chapter 112 of the General Laws as amended. Such approval shall not affect the responsibility of the owner or operator to comply with other applicable regulations.

2.2.b No approval will be issued in instances where:

1. Emissions from such a facility would result in air quality exceeding the Massachusetts or National Ambient Air Quality Standards, or
2. Emissions from such facility would exceed the applicable regulatory emission limitations as specified in 310 CMR 7.02.b, or
3. Emissions from such a facility would result in violation of the provisions of any of these Regulations.

4. Emissions from such a facility which is subject to the Code of Federal Regulations, Title 40, Part 60, or Part 61 would result in violation of the New Source Performance Standards (NSPS) or the National Emission Standards for Hazardous Air Pollutants (NESHAPS).

5. A facility for which the potential emission rate is equal to or greater than 100 tons per year of any of the following pollutants; particulate matter, sulfur oxides, nitrogen oxides, volatile organic compounds, or carbon monoxide unless the facility complies with the requirements of the Emission Offset Interpretative Ruling contained in Federal Register, Volume 44, Number 11 - Tuesday, January 16, 1979.

6. A proposed facility subject to 310 CMR 7.02.2.b(5). (a major source) would have total allowable emissions which, when added to allowable emissions from

   a. existing sources in the pertinent region, and

   b. new or modified sources in the pertinent region which are not major emitting facilities

   would, by the time that such proposed facility is to commence operation, exceed the total emissions from existing sources allowed under the applicable SIP (prior to the application for such permit to construct or modify) by such an amount as to be inconsistent with "reasonable further progress" as defined in the Massachusetts State Implementation Plan (SIP).

2.2.c The Department will act within 60 days on an application and will notify the applicant in writing of its approval, conditional approval, or denial of the application. The Department will set forth its reasons for any denial. The Department may impose any reasonable condition upon an approval, including conditions requiring the facility to be provided with:

1. Sampling ports of a size, number, and location as the Department may require,
2. Safe access to each port,
3. Instrumentation to monitor and record emission data, and,
4. Any other sampling and testing facility.

2.2.d Not approved.

2.2.e The Department may cancel an approval if the construction is not begun within 2 years from the date of issuance or if, during the construction, work is suspended for 1 year.

2.3 U Department Participation. The Department, in its evaluation for approval of the design for construction, reconstruction, alteration, the Standard Operating Procedure, and proposed maintenance procedure for any facility, will limit itself to consideration of such matters which, in its opinion, may cause or contribute to a condition of air pollution. The Department will consult upon request concerning design criteria and design of any facility prior to submittal of plans.

2.4 U Application. Section 7.02 in its entirety shall apply to: fossil fuel utilization facilities having energy input capacities greater than three million (3,000,000) B.t.u.'s per hour, incinerators, industrial facilities such as asphalt batching plants, foundries, chemical products manufacturing plants, petroleum products manufacturing plants, aggregate manufacturing plants, food and food products plants, wood products plants, dry cleaning establishments, paint and varnish manufacturing plants, paper manufacturing plants, leather manufacturing plants, concrete manufacturing plants, metal coating and treating plants, and such other facilities as the Department may require.

2.5 U Existing Facilities

2.5.a Criteria of Application. When, in the opinion of the Department, any facility has a likelihood of causing or contributing to a condition of air pollution, the person owning, leasing or controlling the operation of the facility shall, upon request by the Department, submit to the Department plans, specifications, Standard Operating Procedure, maintenance procedure and such other information as may be necessary to determine the adequacy of application, in said facility, of air pollution control technology. If, after review of said information, the Department determines that the facility is in need of reconstruction, alteration or repair to prevent it from causing or contributing to a condition of air pollution, said facility may be temporarily continued in operation pending such reconstruction or repair if the person owning, leasing, or controlling the operation of the facility:

1. Submits to the Department plans and specifications for reconstruction, alteration, or repair of the facility and proposed Standard Operating Procedure for the reconstructed or altered facility to the Department within an agreed upon reasonable period of time for the Department's review and approval prior to the intended reconstruction, alteration, or repair and subsequent operations; and

2. Indicates his intention to reconstruct, alter, or repair and thereafter to operate the facility in accordance with the plans, specifications, Standard Operating Procedure, and Maintenance Procedure, as approved by the Department after submittal, and a compliance schedule as described in 310 CMR 7.02.6 has been approved by the Department after public notice.

2.5.b Removal of Air Pollution Control Equipment. No person shall cause, suffer, allow or permit the removal, alteration, or shall otherwise render inoperative any air pollution control equipment or equipment used to monitor emissions which has been installed as a requirement of these regulations, other than for reasonable maintenance periods or unexpected and unavoidable failure of equipment provided that the Department has been notified of such failure, or in accordance with specific written approval of the Department.

2.6 U Compliance with Emission Limitations

2.6.a Persons owning, leasing, or controlling the operation of any facility described in 310 CMR 7.02.4 (field of application) shall achieve full compliance, by January 31, 1974, with the regulatory emission limitation applicable to such facility or take the actions shown below:

1. Justify to the Department that additional time is needed and

2. Submit a proposed plan and compliance schedule for said facility to the Department not later than December 31, 1972.

Justifications for additional time to comply with regulatory emission limitations, and the submittal of proposed plans and compliance schedules are subject to review and approval by the Department and must provide for compliance with applicable regulatory emission limitations as expeditiously as practicable, but in no case later than July 31, 1975. Emissions limitations promulgated by the Department after July 31, 1975 shall be complied with as expeditiously as practicable. All compliance schedules shall provide for periodic increments of progress including submittal of engineering plans, ordering of equipment after plan approval, installation date after confirmation of order by the manufacturer and the date by which the applicable regulatory emission limitation will be achieved after equipment is in satisfactory operation.

Note: All approved compliance schedules must be transmitted to E.P.A. through this Department. Failure of any person to submit compliance schedules in accordance with the above dates may result in State and Federal legal enforcement actions.

2.7 Critical Areas

For purposes of Regulation 310 CMR 7.02.8, 7.02.9, and Tables 1, 2, 3, 4, 5, 6, 7, and 8, the following cities and towns are defined as critical areas of concern:

Berkshire Air Pollution Control District - Adams, Dalton, Lee, North Adams, Pittsfield

Central Massachusetts Air Pollution Control District - Athol, Auburn, Boylston, Fitchburg, Gardner, Grafton, Holden, Leicester, Leominster, Millbury, Shrewsbury, Southbridge, Webster, West Boylston, and Worcester

Merrimack Valley Air Pollution Control District - Haverhill, Lawrence, Lowell, and Newburyport

Metropolitan Boston Air Pollution Control District - Arlington, Belmont, Boston, Braintree, Brookline, Cambridge, Canton, Chelsea, Dedham, Everett, Lynn, Malden, Medford, Melrose, Milton, Needham, Newton, Peabody, Quincy, Revere, Salem, Saugus, Somerville, Stoneham, Wakefield, Waltham, Watertown, Weymouth, Winchester, Winthrop, and Woburn

Pioneer Valley Air Pollution Control District - Amherst, Chicopee, East Hampton, East Longmeadow, Greenfield, Hadley, Holyoke, Longmeadow, Ludlow, Northampton, Orange, Palmer, Springfield, Ware, Westfield, and West Springfield

Southeastern Massachusetts Air Pollution Control District - Attleboro, Fall River, New Bedford, Sandwich, Somerset, and Taunton

2.8 U No person owning, leasing, or controlling the operation of any fossil fuel utilization facility shall cause, suffer, allow, or permit emissions therefrom in excess of those emission limitations set forth in the following tables and within the time schedule specified in 310 CMR 7.02.6.

Table 1

EMISSIONS LIMITATIONS

Fossil Fuel Utilization Facilities

Particulates

Facility Size Million B.t.u./hr. Input	Emission Limitation lbs. (particulate)/million B.t.u.		
	New	Existing	Existing (critical area of concern)
3 - 250	0.10	0.15	0.12
Greater than 250	0.05*	0.15	0.12

Any emission testing to be compared to these limitations must be conducted under isokinetic sampling conditions and in accordance with Environmental Protection Agency Test Methods 1 through 5, as specified in the Code of Federal Regulations, Title 40, Part 60, Appendix A - Standards of Performance for New Stationary Sources (originally promulgated in the Federal Register, Volume 36, No. 247, December 23, 1971) or by another method correlated to the above method to the satisfaction of the Department.

*An emission rate of 0.10 lbs. (particulate) per million B.t.u. will be allowed if a person is using equipment designed to control or reduce sulfur dioxide at the same time or in the same process, so that the provisions of 310 CMR 7.05 are satisfied.

Table 2

EMISSIONS LIMITATIONS, WORCESTER

CM Particulates (City of Worcester)

Facility Size Million BTU/hr. Input	Fuel Type	Emission Limitation #/MM BTU New	 Existing
3-250	solid fuel	0.10	0.12
	residual fuel	0.10	0.12
	distillate oil	0.05	0.10
	gas	0.05	0.10
greater than 250	solid fuel	**	0.12
	residual fuel	0.05*	0.12
	distillate oil	0.05	0.10
	gas	0.05	0.10

*An emission rate of 0.10 lbs. (particulate) per million BTU will be allowed if a person is using equipment designed to control or reduce sulfur dioxide at the same time or in the same process so that the provisions of 310 CMR 7.05 are satisfied.

**The limit specified was disapproved.

Table 3

EMISSIONS LIMITATIONS

Oxides of Nitrogen

Facility Size Million B.t.u./hr. Input	Emission Limitation Pounds/million B.t.u.
	New
Greater than 250	0.3

Any emissions testing to be compared to this limitation must be conducted in accordance with method 7, as specified in the Federal Register, Volume 36, No. 247, December 23, 1971, or by another method which has been correlated to the above method to the satisfaction of the Department. This emission limitation shall not apply to gas turbine or diesel engines.

2.9 No person owning, leasing, or controlling the operation of any industrial facility shall cause, suffer, allow, or permit emissions therefrom in excess of those emission limitations set forth in the following tables and within the time schedules specified in 310 CMR 7.02.b.

Table 4
Particulates

U Ferrous Cupola Foundries	New	Existing	Existing (critical area)
		Emission Limitation gr/DSCF	
Production	.06	.13	.06
Jobbing	.21	.21	.21
Non-Ferrous Foundries	.06	.08	.06

Differentiation Between Jobbing and Production Foundries

Cupolas in a jobbing foundry will be run intermittently for just long enough at one time to pour the molds that are ready on the foundry floor job by job.

Production foundry cupolas will melt continuously to pour a succession of molds that are constantly being prepared to receive a continuous flow of iron.

Table 5 - disapproved.

2.10 U Other Industrial Sources. The process weight table and emission limits for industrial facilities shall apply except in instances and emission limits for industrial facilities are not applicable to a particular source type in which case the Department shall determine specific control requirements on a case-by-case basis considering the following:

(a) the process, fuels, and raw materials available and to be employed at the affected facility;

(b) the engineering aspects of the application of various types of control techniques which has been adequately demonstrated;

(c) process and fuel changes;

(d) the respective costs of the application of all such control techniques, process changes, and alternative fuels; and

(e) locational and siting considerations.

Table 6

Process Weight Pounds/Hour	Emission Limitation lbs. (particulate)/hr. New	Existing	Existing (critical area of concern)
50	0.12	0.24	0.12
100	0.23	0.46	0.23
150	0.33	0.66	0.33
200	0.42	0.85	0.42
250	0.51	1.03	0.51
300	0.60	1.20	0.60
350	0.67	1.35	0.67
400	0.75	1.50	0.75
450	0.82	1.63	0.82
500	0.89	1.77	0.89
550	0.95	1.89	0.95
600	1.01	2.01	1.01
650	1.06	2.12	1.06
700	1.12	2.24	1.12
750	1.17	2.34	1.17
800	1.22	2.43	1.22
850	1.27	2.53	1.27
900	1.31	2.62	1.31
950	1.36	2.72	1.36
1000	1.40	2.80	1.40
1100	1.49	2.97	1.49
1200	1.56	3.12	1.56
1300	1.63	3.26	1.63
1400	1.70	3.40	1.70
1500	1.77	3.54	1.77
1600	1.83	3.66	1.83
1700	1.89	3.79	1.89
1800	1.96	3.91	1.96
1900	2.02	4.03	2.02
2000	2.07	4.14	2.07
2100	2.12	4.24	2.12
2200	2.17	4.34	2.17
2300	2.22	4.44	2.22
2400	2.28	4.55	2.28
2500	2.32	4.64	2.32
2600	2.37	4.74	2.37
2700	2.42	4.84	2.42
2800	2.46	4.92	2.46
2900	2.51	5.02	2.51
3000	2.55	5.10	2.55

Table 6 (Continued)

Process Weight Pounds/Hour	Emission Limitation lbs. (particulate)/hr.		
	New	Existing	Existing (critical area of concern)
3100	2.59	5.18	2.59
3200	2.64	5.27	2.64
3300	2.68	5.36	2.68
3400	2.72	5.44	2.72
3500	2.76	5.52	2.76
3600	2.81	5.61	2.81
3700	2.85	5.69	2.85
3800	2.89	5.77	2.89
3900	2.93	5.85	2.93
4000	2.97	5.93	2.97
4100	3.01	6.01	3.01
4200	3.04	6.08	3.04
4300	3.08	6.15	3.08
4400	3.11	6.22	3.11
4500	3.15	6.30	3.15
4600	3.19	6.37	3.19
4700	3.23	6.45	3.23
4800	3.26	6.52	3.26
4900	3.30	6.60	3.30
5000	3.39	6.67	3.39
5500	3.52	7.03	3.52
6000	3.69	7.37	3.69
6500	3.86	7.71	3.86
7000	4.03	8.05	4.03
7500	4.20	8.39	4.20
8000	4.36	8.71	4.36
8500	4.52	9.03	4.52
9000	4.68	9.36	4.68
9500	4.84	9.67	4.84
10000	5.0	10.0	5.0
11000	5.32	10.63	5.32
12000	5.64	11.28	5.64
13000	5.99	11.89	5.99
14000	6.25	12.50	6.25
15000	6.57	13.13	6.57
16000	6.87	13.74	6.87
17000	7.18	14.36	7.18
18000	7.49	14.97	7.49
19000	7.79	15.58	7.79
20000	8.10	16.19	8.10
30000	11.11	22.22	11.11
40000	14.15	28.3	14.15
50000	17.15	34.3	17.15
60000	20.0	40.0	20.0

Other Industrial Sources

When process weight exceeds 60,000 pounds per hour, emission rate should be determined as follows:

Existing sources	$E = 55P^{0.11} - 40$
New sources	$E = 1/2\ (55P^{0.11}\ \ 40)$
Existing sources in critical areas of concern	$E = 1/2\ (55P^{0.11} - 40)$

P = Process weight in tons per hour
E = Emission rate in pounds per hour

Examples of emission limitations for process weight rates greater than 60,000 pounds per hour are shown on the following table.

Process Weight	New	Existing	Existing (critical area of concern)
70000	20.7	41.3	20.7
80000	21.3	42.5	21.3
90000	21.8	43.6	21.8
100000	22.8	45.5	22.8
200000	25.7	51.3	25.7
300000	27.7	55.4	27.7
400000	29.3	58.5	29.3
500000	30.5	61.0	30.5
600000	31.5	63.0	31.5
700000	32.4	64.8	32.4
800000	33.2	66.3	33.2
900000	33.9	67.7	33.9
1000000	34.5	68.9	34.5

Any emissions testing to be compared to these limitations must be conducted under isokinetic sampling conditions and in accordance with the Environmental Protection Agency test methods 1 through 5 as specified in the Code of Federal Regulations, Title 40, Part 60, Appendix A - Standards of Performance for New Stationary Sources (originally promulgated in the Federal Register, Volume 36, No. 247, December 23,1971) or by another method which has been correlated to the above method to the satisfaction of the Department.

Table 7

U GASEOUS EMISSIONS

Contact Sulfuric Acid Plants	Emission Limitations
New	
Sulfur Dioxide	4 lbs/ton of acid produced
Acid Mist	0.15 lbs/ton of acid produced
Opacity	10%
Existing	
Sulfur Dioxide	27 lbs/ton of acid produced
Acid Mist	Not Applicable
Opacity	20%
Other Sources	
Sulfur Dioxide	500 PPM
All Sources	
Nitrogen Dioxide	250 PPM

2.11 U No person owning, leasing, or controlling the operation of any incinerator facility shall cause, suffer, allow or permit emissions therefrom in excess of those emission limitations set forth in the following tables.

Table 8

U Particulate Emission Limitations
for Incinerators

Incinerator Type	Emission Limitation (grains/scf @ 12% CO2)	
	New	Existing
Municipal	.05	.10
Commercial, industrial, or other having a charging rate of 50 tons per day or greater	.05	.10
Commercial, industrial, residential, or other having a charging rate of less than 50 tons per day	.10	.10

Any emissions testing to be compared to these limitations must be conducted under isokinetic sampling conditions, and in accordance with the Code of Federal Regulations, Title 41, Part 60, Subpart E - Standards of Performance for Incinerators (originally promulgated in the Federal Register, Volume 36, No. 247, December 23, 1971), or by another method which has been correlated to the above method to the satisfaction of the Department.

Table 9

U Particulate Emission Limitations
for Sludge Incinerators

Incinerator Type	Emission Limitations (g/kg dry sludge input)
	New or Modified
Municipal Sewage Treatment Facilities	0.65

Any emissions testing to be compared to these limitations must be conducted under isokinetic sampling conditions and in accordance with the Code of Federal Regulations, Title 40, Part 60, Subpart O - Standards of Performance for Sewage Treatment Plants (originally promulgated in the Federal Register, Volume 39, No. 247, March 8, 1974, or by another method which has been correlated to the above method to the satisfaction of the Department.

2.12 U Organic Material

2.12.a Bulk Plants & Terminals Handling Organic Material

1. Any person owning, leasing, or controlling a stationary tank reservoir with a capacity equal to or greater than 40,000 gallons in which organic material having a true vapor pressure in the range of 1.5 to 11 psi at 60°F inclusive is placed, stored, or held shall equip such stationary tank reservoir with one of the following emission control devices which shall attain a minimum 90% capture of total emissions:

   a. A floating roof cover consisting of a pontoon type, double deck type roof, or internal floating roof resting on the surface of the liquid contents equipped with a closure seal, or seals, to close the space between the roof edge and tank wall and, in addition, all tank gauging and sampling devices shall be gas-tight except when in use, or

   b. A pressure tank system maintaining a pressure at all times so as to prevent organic material loss to the atmosphere ,or

   c. A vapor recovery system capable of collecting the organic materials emitted from the tank and of disposing of these materials without release to the atmosphere and, in addition, all tank gauging and sampling devices shall be gas-tight except when in use ,or

   d. Other equipment equal to or greater in efficiency than the devices listed above, and approved by the Department.

2. Any person owning, leasing, or controlling a stationary tank reservoir with a capacity equal to or greater than 40,000 gallons in which organic material having a true vapor pressure greater than 11 psi at 60°F is placed, stored, or held shall equip such a stationary-tank reservoir with one of the following devices which shall attain a minimum 90% capture of total emissions:

a,
b +
c. are missing

a. A pressure tank system maintaining a pressure at all times so as to prevent organic material loss to the atmosphere, or

b. A vapor recovery system capable of collecting the organic materials without release to the atmosphere and, in addition, all tank gauging and sampling devices shall be gas tight except when in use, or

c. Other equipment equal to or greater in efficiency than the devices listed above and approved by the Department.

3. Monitoring of operations of petroleum liquids. Any person owning, leasing or controlling a stationary tank having a capacity of 40,000 gallons or greater into which a petroleum liquid with a true vapor pressure equal to or greater than 1.5 psi at 60°F is stored shall for each storage vessel maintain a record of each type of petroleum liquid stored, and of the dates of storage. Dates on which the storage vessel is empty shall be shown. The information maintained in the record shall be specified in the Code of Federal Regulations, Title 40, Part 60, Standards of Performance for Storage Vessels for Petroleum Liquids, Section 60.113, Monitoring of Operations.

4. Any person owning, leasing or controlling a loading rack with an average daily throughput (1/300 of the actual annual throughput) equal to or greater than 20,000 gallons which transfers organic material with a true vapor pressure of 1.5 psi or greater at 60°F into tank trucks, trailers, or other contrivances shall transfer by means of submerged fill and install a vapor recovery system which shall attain a minimum 90% capture of total emissions, that has been approved by the Department in writing in accordance with the provisions of 310 CMR 7.02.2. The provisions of this section shall not apply to the loading of motor vehicle fuel tanks.

5. Deleted.

2.12.b Distribution of Motor Vehicle Fuel

1. Any person owning, leasing or controlling a stationary tank having a capacity greater than 250 gallons but less than 40,000 gallons into which motor vehicle fuel with a true vapor pressure of greater than 1.5 psi at 60°F is transferred from tank truck, trailer or other contrivance shall be equipped with a system for submerged fill which has been approved by the Department.

Submerged

2. CM, MB, MV, PV, SM. On or after July 1, 1980 no person shall cause, suffer, allow or permit the transfer of motor vehicle fuel having a true vapor pressure equal to or greater than 1.5 psi at 60°F from any delivery vessel to a fuel handling facility having a stationary tank capacity equal to or greater than 2,000 gallons unless the displaced vapors are processed by a system that has been approved by the Department in accordance with provisions of 310 CMR 7.02.2 and which prevents release to the atmosphere of no less than 90 percent by weight of organic materials in said vapors. The provisions of this section shall not apply to:

    a. Stationary tanks having a capacity less than 550 gallons equipped with submerged fill lines, used exclusively for the fueling of implements of husbandry.

    b. Stationary tanks equipped with floating roofs or their equivalent.

3. For the purposes of 310 CMR 7.02.12.a and 7.02.12.b any emission or efficiency testing required by the Department shall be in accordance with methods approved by the Department under the provisions of 310 CMR 7.13.

2.12.f U Monitoring of Operations of Petroleum Liquids

Any person owning, leasing or controlling a stationary tank having a capacity of 40,000 gallons or greater into which a petroleum liquid with a true vapor pressure equal to or greater than 1.5 psi at 60°F shall for each storage vessel maintain a record of each type of petroleum liquid stored, of the typical Reid vapor pressure of each type of petroleum liquid stored, and of the dates of storage. Dates on which the storage vessel is empty shall be shown. The information maintained in the record shall be as specified in the Code of Federal Regulations, Title 40, Part 60, Standards of Performance for Storage Vessels for Petroleum Liquids, Section 60.113, Monitoring of Operations.

2.13U Standards of Performance for New Stationary Sources

Effective upon publication of this regulation, the Department adopts the Standards of Performance for New Stationary Sources as promulgated in the Federal Register, Volume 36, Number 247, Part II, and dated December 23, 1971, with all revisions and amendments as promulgated and published in the Federal Register up to and including Federal Register Volume 41, Number 87, dated May 4, 1976.

The Department adopts these regulations with sections written and identified as follows:

Table 10

The Code of Federal Regulations, Title 40, Part 60, Subparts
(A) - General Provisions
(D) - Fossil Fuel-Fired Steam Generators
(E) - Incinerators
(F) - Portland Cement Plants
(G) - Nitric Acid Plants
(H) - Sulfuric Acid Plants
(I) - Asphalt Concrete Plants
(J) - Petroleum Refineries
(K) - Storage Vessels for Petroleum Liquids
(L) - Secondary Lead Smelters
(M) - Secondary Bronze & Brass Ingot Production Plants
(N) - Iron and Steel Plants
(O) - Sewage Treatment Plants
(P) - Primary Copper Smelters
(Q) - Primary Zinc Smelters
(R) - Primary Lead Smelters
(S) - Primary Aluminum Reduction Plants
(T) - Phosphate Fertilizer Industry - Wet Process Phospheric Acid Plants

(U) - Phosphate Fertilizer Industry - Superphospheric Acid Plants
(V) - Phosphate Fertilizer Industry - Diammonium Phosphate Plants
(W) - Phosphate Fertilizer Industry - Triple Superphosphate Plants
(X) - Phosphate Fertilizer Industry - Granular Triple Superphosphate Storage Facilities
(Y) - Coal Preparation Plants
(Z) - Feroalloy Production Facilities
(AA) - Steel Plants - Electric Air Furnaces

2.14 Emission Standards for Hazardous Pollutants

Effective upon publication of this regulation, the Department adopts the National Emission Standards for Hazardous Air Pollutants, as promulgated in the Federal Register, Volume 38, Number 66, Part II, and dated April 6, 1973, with all revisions and amendments as promulgated and published in the Federal Register up to and including Federal Register Volume 40, Number 199, Part 5, dated Tuesday, October 14, 1975. The Department adopts these regulations with sections written and identified as follows:

Table 11

The Code of Federal Regulations, Title 40, Part 61, Subparts
(A) - General Provisions
(B) - National Emission Standard for Asbestos
(C) - National Emission Standard for Beryllium
(D) - National Emission Standard for Beryllium Rocket Motor Firing
(E) - National Emission Standard for Mercury

Any emission testing to be compared to New Source Performance Standards or National Standards for Hazardous Pollutants must be conducted in accordance with applicable methods as specified in the Federal Register, Volume 36, No. 247, December 23, 1971, or amendments thereto, or by another method to the satisfaction of the Department.

REGULATION 7.03. Nuclear Energy Utilization Facilities

3.1 No person shall cause, suffer, allow, or permit the construction, substantial reconstruction, or alteration of a stationary nuclear energy utilization facility in contravention of the provisions of 310 CMR 7.02 or the operation of any such facility except in accordance with a Standard Operating Procedure therefor that has been submitted to and approved by the Department in writing.

REGULATION 7.04. Fossil Fuel Utilization Facilities

4.1 U No person shall construct, substantially reconstruct, or alter or thereafter operate a fossil fuel utilization facility which has or will have an energy input capacity, rated by the Department, greater than three million (3,000,000) B.t.u. per hour unless the plans, specifications, Standard Operating Procedure, and maintenance procedure for said facility have been submitted to the Department for approval and approval in writing has been granted.

4.2 U Smoke Density Indicator

4.2.a On or after April 1, 1973, no person shall cause, suffer, allow or permit the burning of any grade oil or solid fuel in any fossil fuel utilization facility having an energy input capacity rated by the Department equal to or greater than ten million (10,000,000) B.t.u. per hour, that is not equipped with a smoke density sensing instrument and recorder which is properly maintained in an accurate operating condition, operates continuously and is equipped with an audible alarm to signal the need for combustion equipment adjustment or repair when the smoke density is equal to or greater than No. 1 of the Chart, and is available for inspection at reasonable times by a representative of the Department. Such inspection may include the review of recording charts which must be retained and made available for a period of one year from the date of use.

4.2.b The Department may require fossil fuel utilization facilities other than those specified under the provisions of 310 CMR 7.04.2.a to be equipped with smoke density sensing devices and appurtenances if, in the opinion of the Department, such are deemed necessary.

4.2.c No person shall sell, distribute for sale, and/or install a smoke density sensing device to be installed under the provisions of 310 CMR 7.04.2.a and 7.04.2.b that is of a design and Standard Operating Procedure that has not been approved by the Department.

4.3 U Capacity Limit

On and after July 1, 1973, no person shall cause, suffer, allow, or permit the operation of a fossil fuel utilization facility, having an energy input capacity rated by the Department of ten million (10,000,000) or greater B.t.u. per hour, in a manner that is not in conformance with a Standard Operating Procedure that has been approved in writing by the Department. On July 1 of each calendar year, the Standard Operating Procedure is subject to revision by the Department.

4.4 U Inspection, Maintenance and Testing

4.4.a On and after December 31, 1977, no person shall cause, suffer, allow, or permit the operation of any fossil fuel utilization facility rated by the Department as having an energy input capacity equal to or greater than three million (3,000,000) B.t.u. per hour unless said facility has been inspected and maintained in accordance with the manufacturers recommendations and tested for efficient operations at least once in each calendar year. The results of said inspection, maintenance, and testing and the data upon which it was performed shall be recorded and posted conspicuously on or near the facility.

4.4.b No person shall cause, suffer, allow, or permit the removal, alteration or shall otherwise render inoperative any air pollution control equipment which has been installed as a requirement of these regulations, other than for reasonable maintenance periods or unexpected and unavoidable failure of equipment.

4.5 U Fuel Oil Viscosity*

On or after July 1, 1978, no person shall cause, suffer, allow, or permit the burning of any grade residual oil in any fossil fuel utilization facility with an energy input capacity rated by the Department as equal to or greater than two hundred and fifty million (250,000,000) B.t.u. per hour unless said facility is equipped with an automatic viscosity controller that shall control the viscosity of the fuel oil to the burners. The automatic controller shall be of a type approved by the Department.

The Department may require a fossil fuel utilization facility with an energy input capacity rated by the Department as equal to or greater than one hundred million (100,000,000) B.t.u. per hour but less than two hundred and fifty million (250,000,000) B.t.u. per hour to be equipped with an automatic viscosity controller if, in the opinion of the Department, such is deemed necessary.

4.6 U No person shall cause, suffer, allow, or permit the installation of use of any material, article, machine, equipment, or contrivance which conceals an emission without reducing the total weight of emissions where such emission would constitute a violation of any applicable regulation.

4.7 CM Prohibition of Unapproved Burners in the City of Worcester

4.7.a Upon receipt of written notification from the Department, no person shall cause, suffer, allow, or permit the operation of a fossil fuel utilization facility having an energy input capacity greater than 3,000,000 B.t.u. per hour located in the City of Worcester utilizing a burner or burners of a design not approved by the Department, without the approval of the Department pursuant to this Regulation.

4.7.b Regulation 310 CMR 7.04.7.a shall not apply to those facilities having met any one of the following conditions:

1. Demonstrated an ability to maintain compliance with applicable regulations;
2. Demonstrated to the satisfaction of the Department that the fossil fuel utilization facility is used only as an emergency or standby unit; or

---

* Variance to 7.04.5 approved for Cambridge Electric Light Company, Kendall and Blackstone Stations (see nonregulatory submittal of 12/28/78)

3. Demonstrated to the satisfaction of the Department that utilization of distillate fuel oil in the fossil fuel utilization facility will not cause a violation of the Regulations.

4.7.c No person shall cause, suffer, allow,or permit the operation of any fossil fuel utilization facility subject to the provisions of 310 CMR 7.04.7.a unless said person has submitted a schedule to the Department on a form provided by the Department specifying the dates by which compliance with 310 CMR 7.04.7.a will be achieved. Compliance in all instances shall be achieved as expeditiously as practicable but in no case later than September 1, 1980.

4.8 CM Prohibition of Natural Draft in Fossil Fuel Utilization Facilities in the City of Worcester

4.8.a Upon receipt of written notification from the Department, no person shall cause, suffer, allow, or permit the use of natural draft as a secondary air supply in a fossil fuel utilization facility having an energy input capacity greater than 3,000,000 B.t.u. per hour located in the City of Worcester, without the approval of the Department pursuant to this Regulation.

4.8.b Regulation 310 CMR 7.04.8.a shall not apply to those facilities having met either of the following conditions:

1. Demonstrated an ability to maintain compliance with applicable regulations; or

2. Demonstrated to the satisfaction of the Department that the fossil fuel utilization facility is used only as an emergency or standby unit.

4.8.c No person shall cause, suffer, allow, or permit the operation of any fossil fuel utilization facility subject to the provisions of 310 CMR 7.04.8.a unless said person has submitted a schedule to the Department specifying the dates by which compliance with 310 CMR 7.04.8.a will be achieved. Compliance in all instances shall be achieved as expeditiously as practicable, but in no case later than September 1, 1980.

REGULATION 7.05 Fuels[†]

5.1 Sulfur Content of Fuels and Control Thereof

5.1.a Berkshire Air Pollution Control District

1. No person owning, leasing, or controlling the operation of a fossil fuel utilization facility shall cause, suffer, allow, or permit the burning therein of any fossil fuel having a sulfur content in excess of 1.21 pounds per million Btu heat release potential (approximately equivalent to 2.2% sulfur content residual fuel oil) except as provided in Regulation 310 CMR 7.05.1.a(2) and 310 CMR 7.05.2.
2. the provisions of Regulation 310 CMR 7.05.1.a(1) shall not apply to facilities that have presented a plan whereby use of a higher sulfur fuel would cause no greater emissions of sulfur compounds into the ambient air than if lower sulfur content fuel were used and said plan has been approved by the Department in writing and the conditions for approval have been agreed to by the applicant in writing.
3. no person owning, leasing, or controlling the operation of a fossil fuel utilization facility shall cause, suffer, allow, or permit the burning therein of any No. 2 fuel oil having a sulfur content in excess of 0.17 pounds of sulfur per million Btu heat release potential, unless:
    a. he has applied to the Department for permission to use a higher sulfur fuel and presented a plan whereby use of said fuel would have no greater air polluting effect than if fuel of 0.17 pounds of sulfur per million Btu were burned without said plan and
    b. said plan has been approved by the Department in writing.
4. No person shall ship or deliver in intrastate commerce to any person for burning, or reshipment for burning, within the District, any fuels with a sulfur content in excess of those specified in Regulation 310 CMR 7.05.1.a(1) or (3) except that such shipment may be made provided:
    a. use of such fuel has been approved by the Department in writing,
    b. such approval has been verified by the shipper, and
    c. record of such shipment will be retained for two years and said record shall be made available to the Department for its review and inspection during customary business hours.
5. Any person responsible for sale or distribution of residual fuel oils or wholesale distribution or wholesale marketing of distillate fuel oils or coal for burning or reshipment for burning within the District shall register with the Department on a form to be supplied by the Department.
6. Approval granted under provisions of Regulation 310 CMR 705.1.a(1),(2), or (3) may be revoked by the Department for cause or when in its opinion such is necessary to prevent or abate a condition of air pollution.

[†] A variance to Regulation 7.05 (formerly Regulation 5) was granted to allow the burning of a coal/slurry in Unit #1, Salem Harbor Station, Salem, MA. See "Non-Regulatory" section for text of variance.

5.1.b Central Massachusetts Air Pollution Control District

1. No person owning, leasing, or controlling the operation of a fossil fuel utilization facility located in the Cities of Fitchburg and Worcester, shall cause, suffer, allow, or permit the burning thereof of any residual fuel having a sulfur content in excess of .55 lbs. per million Btu heat release potential (approximately equivalent to 1% sulfur content fuel oil) except as provided in 310 CMR 7.05.1.b(4) and (5) and 310 CMR 7.05.2.

2. No person owning, leasing, or controlling the operation of a fossil fuel utilization facility located in cities and towns other than these specified in Regulation 310 CMR 7.05.1.b(1) shall cause, suffer, allow, or permit the burning therein of any fossil fuel having a sulfur content in excess of .55 pounds per million Btu heat release potential (approximately equivalent to 1% sulfur content fuel oil) except as provided in Regulations 310 CMR 7.05.1.b(3), 310 CMR 7.05.1.b(4), 310 CMR 7.05.1.b(5), 310 CMR 7.05.2.

3. Between February 15, 1977 and July, 1979, any person owning, leasing, or controlling the operation of a fossil fuel utilization facility located in cities and towns other than those specified in Regulation 310 CMR 7.05.1.b(1), and having an energy input capacity rated by the Department of one hundred million (100,000,000) Btu per hour or greater, may cause, suffer, allow, or permit the burning therein of any fossil fuel having a sulfur content not in excess of 1.21 pounds per million Btu heat release potential (approximately equivalent to 2.2% - sulfur content fuel oil) provided:
   a. he has applied to the Department in writing to use such fuel and submitted any information as the Department may require, and
   b. the use of such fuel would not cause other applicable air pollution regulations to be violated, and
   c. the facility has available, ready for conversion within six (6) hours of notice from the Department a three (3) day supply of fuel with a lower sulfur content as specified by the Department which shall be utilized during periods of adverse meteorological conditions when directed by the Department, and
   d. the use of such fuel has been approved in writing by the Department and the conditions of approval have been agreed to by the applicant in writing.

4. Between April 1, 1977 and November 1, 1977, and from April 1, 1978 to November 1, 1978 and from April, 1979 to July 1, 1979, any person owning, leasing or controlling the operation of a fossil fuel utilization facility located in the City of Fitchburg having an energy input capacity rated by the Department of one hundred million (100,000,000) Btu per hour or greater, may cause, suffer, allow, or permit the burning therein of any fossil fuel having a sulfur content not in excess of 1.21 pounds per million Btu heat release potential (approximately equivalent to the 2.2% sulfur content fuel oil) provided:

a. he has applied to the Department in writing to use such fuel and submitted any information as the Department may require, and

b. the use of such fuel would not cause other applicable air pollution regulations to be violated, and

c. the facility has available, ready for conversion within six (6) hours of notice from the Department a three (3) day supply of fuel with a lower sulfur content as specified by the Department which shall be utilized during periods of adverse meteorological conditions when directed by the Department, and

d. the use of such fuel has been approved in writing by the Department and the conditions of approval have been agreed to by the applicant in writing.

5. The provisions of 310 CMR 7.05.1.b(1), 7.05.1.b(2), 7.05.1.b(3), and 7.05.1.b(4) shall not apply to facilities that have presented a plan whereby use of a higher sulfur fuel would cause no greater emissions of sulfur compounds into the ambient air than if the lower sulfur content fuel were used, and said plan has been approved by the Department in writing and the conditions for approval have been agreed to by the applicant in writing.

6. No person owning, leasing, or controlling the operation of a fossil fuel utilization facility shall cause, suffer, allow, or permit the burning therein of any No. 2 (distillate) fuel oil having a sulfur content in excess of 0.17 pounds of sulfur per million Btu heat release potential (approximately equal to 0.3% sulfur content fuel), unless:

a. he has applied to the Department for permission to use a higher sulfur fuel and presented a plan whereby use of said fuel would cause no greater emissions of sulfur compounds into the ambient air than if the lower sulfur content fuel were used, and

b. the use of such fuels have been approved in writing by the Department, and the conditions of approval have been agreed to by the applicant in writing.

7. No person shall ship or deliver in intrastate commerce to any person for burning, or reshipment for burning, within the District, any fuels with a sulfur content in excess of those specified in Regulations 310 CMR 7.05.1.b(1), 310 CMR 7.05.1.b(2), 310 CMR 7.05.1.b(3), 7.05.1.b(4) and 310 CMR 7.05.1.b(6) except that such shipment may be made, provided:

a. use of such fuel has been approved by the department in writing,

b. such approval has been verified by the shipper; and

c. record of such shipment will be retained for two years and said record shall be made available to the Department for its review and inspection during customary business hours.

8. Any person responsible for sale or distribution of residual fuel oils, or wholesale distribution or wholesale marketing of distillate fuel oils or coal, for burning or reshipment for burning within the District, shall register with the Department on a form to be supplied by the Department.

9. Approval granted under provisions of Regulation 310 CMR 7.05.1.b(1), 7.05.1.b(2), 7.05.1.b(3), 7.05.1.b(4), 7.05.1.b(5), and 7.05.1.b(6) may be revoked by the Department for cause, or when in its opinion such is necessary to prevent or abate a condition of air pollution.

10. The Department will from time to tome conduct a review of the operation of Section 7.05.1. The first review of the operation of Section 7.05.1 will be completed by no later than July 1, 1982. Subsequent review will be conducted at intervals of no more than three years. Such review will include:

a. an analysis of pertinent ambient air monitoring data,
b. dispersion modeling analysis using pertinent ambient air data and generally accepted modeling techniques,
c. an analysis of the costs and savings accrued through the use of fuel allowed by Section 7.05.1.
d. an analysis of the extent to which continued operation of Section 7.05.1 will limit growth, and
e. a review of the most recent health effects information to determine if this regulation significantly contributes to adverse health impacts.

The Department will hold a public hearing to receive comment on the review findings.

If, after public hearing the Department finds that the use of fuel allowed by Section 7.05.1 by any eligible source

a. has or will potentially cause or contribute to a violation of Massachusetts or National Ambient Air Quality Standards,
b. results in no net cost savings, or
c. will excessively constrain future growth, the Department will order such source or sources to use a fuel with a sulfur content consistent with these findings.

The review procedure outlined above is intended to insure a general periodic review of Section 7.05.1. Nothing in this procedure should be construed to limit the Department's authority and responsibility to take appropriate immediate action if any source operating under the provisions of Section 7.05.1 causes or contributes to a violation of Massachusetts or National Ambient Air Quality Standards.

Regulation 7.05.1.b is approved for the following sources:
American Optical Company, Southbridge;
Wyman Gordon Company, Grafton;
Borden, Inc. Chemical Division, Leominster (conditioned upon first completing construction of new stack and certification of completion to the EPA by the Massachusetts Department of Environmental Quality Engineering);
Gardner State Hospital, Gardner;
Grafton State Hospital, Grafton;
Haywood-Shuster Woolen, E. Douglas;
Cranston Prints Works, Webster;
Baldwinville products, Templeton (conditioned upon first completing construction of new stack and certification of completion to the EPA by the Massachusetts Department of Environmental Quality Engineering).

Seaman Paper Co., Otter River, has been granted a temporary variance to Reg. 310 CMR 7.05.1 until July 1, 1982. (See nonregulatory submittal 3/20/80.)

Reg 7.05.1.b has been amended to allow the following sources to burn 2.2% sulfur fuel:

James River Massachusetts, Inc., Fitchburg;
Fitchburg Paper Company, Fitchburg (only boilers which emit through the 55 meter stack)

5.1.c Merrimack Valley Air Pollution Control District

1. Any person owning, leasing or controlling the operation of a fossil fuel utilization facility located in the City of Lawrence or the Towns of Andover, Methuen and North Andover may cause, suffer, or permit the burning therein of any residual fuel oil or coal having a sulfur content not in excess of .55 lbs. per million Btu heat release potential (approximately equivalent to 1% sulfur content fuel oil) except as provided in 310 CMR 7.05.1.c (4) and 310 CMR 7.05.2.

2. Between May 1, 1976 and July 1, 1979, any person owning, leasing, or controlling the operation of a fossil fuel utilization facility located in cities and towns other than those specified in 310 CMR 7.05.1.c(1) may cause, suffer, allow or permit the burning therein of any fossil fuel having a sulfur content not in excess of 1.21 pounds per million Btu heat release potential (approximately equivalent to 2.2% sulfur content fuel oil) except as provided in Regulation 310 CMR 7.05.2, provided the use of such fuel would not cause other applicable air pollution regulations to be violated.

3. Between May 1, 1976 and July 1, 1979, any person owning, leasing, or controlling the operation of a fossil fuel utilization facility located in cities and towns other than those specified in Regulation 310 CMR 7.05.1.c(1) having an energy input capacity rated by the Department of one hundred million (100,000,000) or greater Btu per hour may cause, suffer, allow or permit the burning therein of any fossil fuel with a sulfur content not in excess of 1.21 pounds per million Btu heat release potential (approximately eqivalent to 2.2% sulfur content fuel oil), provided:

a. he has applied to the Department in writing to use such fuel and submitted any information as the Department may require, and

b. the use of such fuel would not cause other applicable air pollution regulations to be violated, and

c. the facility has available, ready for conversion within six (6) hours of notice from the Department a three (3) day supply of fuel with a lower sulfur content as specified by the Department which shall be utilized during periods of adverse meteorological conditions when directed by the Department, and

d. the use of such fuel has been approved in writing by the Department and the conditions of approval have been agreed to by the applicant in writing.

4. The provisions of Regulation 310 CMR 7.05.1.c(1), 7.05.1.c(2), and 7.05.1.c(3) shall not apply to facilities that have presented a plan whereby use of a higher sulfur fuel would cause no greater emissions of sulfur compounds into the ambient air than if the lower sulfur content fuel were used and said plan has been approved by the Department in writing and the conditions for approval have been agreed to by the applicant in writing.

5. No person owning, leasing, or controlling the operation of a fossil fuel utilization facility shall cause, suffer, allow, or permit the burning therein of any No. 2 (distillate) fuel oil having a sulfur content in excess of 0.17 pounds of sulfur per million Btu heat release potential (approximately equal to 0.3% sulfur content fuel), unless

a. he has applied to the Department for permission to use a higher sulfur fuel and presented a plan whereby use of said fuel would cause no greater emissions of sulfur compounds into the ambient air than if the lower sulfur content fuel were used, and

b. the use of such fuels has been approved in writing by the Department, and the conditions of approval have been agreed to by the applicant in writing.

6. No person shall ship or deliver in intrastate commerce to any person for burning, or reshipment for burning, within the District, any fuels with a sulfur content in excess of those specified in Regulation 310 CMR 7.05.1.c(1), 7.05.1.c(2), 7.05.1.c(3), 7.05.1.c(4) or 7.05.1.c(5) except that such shipment may be made provided:

a. use of such fuel has been approved by the Department in writing;

b. such approval has been verified by the shipper; and

c. record of such shipment will be retained for two years and said record shall be made available to the Department for its review and inspection during customary business hours.

7. Any person responsible for sale or distribution of residual fuel oils, or wholesale distribution or wholesale marketing of distillate fuel oils or coal, for burning or reshipment for burning within the District, shall register with the Department on a form to be supplied by the Department.

8. Approval granted under provisions of Regulation 310 CMR 7.05.1.c(1), 7.05.1.c(2), 7.05.1.c(3), 7.05.1.c(4) or 7.05.1.c(5) may be revoked by the Department for cause, or when in its opinion such is necessary to prevent or abate a condition of air pollution.

9. The Department will from time to time conduct a review of the operation of Section 7.05.1. The first review of the operation of 7.05.1 will be completed by no later than July 1, 1982. Subsequent review will be conducted at intervals of no more than three years. Such will include:

a. an analysis of pertinent ambient air monitoring data,
b. dispersion modeling analysis using pertinent ambient air monitoring data and generally accepted modeling techniques,
c. an analysis of the costs and savings accrued through the use of fuel allowed by Section 7.05.1,
d. an analysis of the extent to which continued operation of Section 7.05.1 will limit growth, and
e. a review of the most recent health effects information to determine if this regulation significantly contributes to adverse health impacts.

The Department will hold a public hearing to receive comment on the review findings.

If, after public hearing the Department finds that the use of fuel allowed by Section 7.05.1 by any eligible source
a. has or will potentially cause or contribute to a violation of Massachusetts or National Ambient Air Quality Standards,
b. results in no net cost savings, or
c. will excessively constrain future growth, the Department will order such source or sources to use a fuel with a sulfur content consistent with these findings.

The review procedure outlined above is intended to insure a general, periodic review of Section 7.05.1. Nothing in this procedure should be construed to limit the Department's authority and responsibility to take appropriate immediate action if any source operating under the provisions of Section 7.05.1 causes or contributes to a violation of Massachusetts or National Ambient Air Quality Standards.

Regulation 7.05.1.c is approved for the following sources:
Hollingsworth and Vose, West Groton;
James River Paper, Pepperell;
Haverhill Paperboard Corp., Haverhill;
Residual oil burning facilities less than 100 million Btu's per hour heat input capacity, except in the City of Lawrence, and towns of Andover, Methuen, and North Andover.
(44 FR29454, May 21, 1979)

5.1.d Metropolitan Boston Air Pollution Control District

1. No person owning, leasing, or controlling the operation of a fossil fuel utilization facility located in the Cities and Towns of Arlington, Belmont, Boston, Brookline, Cambridge, Chelsea, Everett, Malden, Medford, Newton, Somerville, Waltham, and Watertown shall cause, suffer, allow, or permit the burning therein of any fossil fuel having a sulfur content in excess of 0.28 pounds per million Btu heat release potential (approximately equivalent

to 0.5% sulfur content fuel oil), except as provided in Regulations 310 CMR 7.05.1.d(2), (4), (5), (6), and 310 CMR 7.05.2.

2. Between July 1, 1975 and July 1, 1978, any person owning, leasing, or controlling the operation of an electric generating facility having an energy input capacity rated by the Department of two and one half billion (2.5 billion) or greater Btu per hour located in the Cities and Towns of Arlington, Belmont, Boston, Brookline, Cambridge, Chelsea, Everett, Malden, Medford, Newton, Somerville, Waltham, and Watertown, may cause, suffer, allow, or permit the burning therein of any fossil fuel with a sulfur content not to exceed 0.55 pounds per million Btu heat release potential (approximately equivalent to 1% sulfur content fuel oil) provided:

a. he has applied to the Department in writing to use such fuel and submitted any information as the Department may require, and

b. the Department determines that the use of such fuel would not cause other applicable air pollution control regulations or ambient air quality standards to be violated, and

c. the facility has available for conversion within three (3) hours of any notice from the Department a three (3) day supply of fuel with a lower sulfur content as specified by the Department which shall be utilized during periods of adverse meteorological conditions when directed by the Department, and

d. the use of such fuel has been approved in writing by the Department and the conditions of approval have been agreed to by the applicant in writing. Such conditions of approval may include installation, operation and maintenance of ambient air monitoring equipment by the applicant in a manner specified by the Department.

3. No person owning, leasing or controlling the operation of a fossil fuel utilization facility located in cities and towns other than those specified in Regulation 310 CMR 7.05.1.d(1) shall cause, suffer, allow, or permit the burning therein of any fossil fuel having a sulfur content in excess of 0.55 pounds per million Btu heat release potential (approximately equivalent to 1% sulfur content fuel oil) except as provided in Regulations 310 CMR 7.05.1.d(4), (5), (6), and 310 CMR 7.05.2.

4. Between July 1, 1975 and July 1, 1978, any person owning, leasing, or controlling the operation of a fossil fuel utilization facility located in cities and towns other than those specified in Regulation 310 CMR 7.05.1.d(1) and having an energy input capacity rated by the Department of one hundred million (100,000,000) or greater Btu per hour may cause, suffer, allow, or permit the burning therein of any fossil fuel with a sulfur content not in excess of 1.21 pounds per million Btu heat release potential (approximately equivalent to 2.2% sulfur content fuel oil) provided:

a. he has applied to the Department in writing to use such fuel and submitted any information as the Department may require, and

b. the Department determines that the use of such fuel would not cause other applicable air pollution regulations or ambient air quality standards to be violated, and

c. the facility has available, ready for conversion within six (6) hours of any notice from the Department a three (3) day supply of fuel with a lower sulfur content as specified by the Department which shall be utilized during periods of adverse meteorological conditions when directed by the Department, and

d. the use of such fuel has been approved in writing by the Department and the conditions of approval have been agreed to by the applicant in writing. Such conditions of approval may include the installation, operation and maintenance of ambient air monitoring equipment by the applicant in a manner specified and by the Department.

5. The provisions of Regulation 310 CMR 7.05.1.d(1), (2), (3) and (4) shall not apply to facilities that have presented a plan whereby use of a higher sulfur fuel would cause no greater emissions of sulfur compounds into the ambient air than if the lower sulfur content fuel were used and said plan has been approved by the Department in writing and the conditions for approval have been agreed to by the applicant in writing.

6. No person owning, leasing, or controlling the operation of a fossil fuel utilization facility shall cause, suffer, allow, or permit the burning therein of any No. 2 (distillate) fuel oil having a sulfur content in excess of 0.17 pounds of sulfur per million Btu heat release potential (approximately equal to 0.3% sulfur content fuel), unless:

a. he has applied to the Department for permission to use a higher sulfur fuel and presented a plan whereby use of said fuel would cause no greater emissions of sulfur compounds into the ambient air than if the lower sulfur content fuel were used, and

b. the use of such fuels has been approved in writing by the Department, and the conditions of approval have been agreed to by the applicant in writing.

7. No person shall ship or deliver in intrastate commerce to any person for burning, or reshipment for burning, within the District, any fuels with a sulfur content in excess of those specified in Regulations 310 CMR 7.05.1.d(1), (2), (3), (4), (5), and (6) except that such shipment may be made provided:

a. use of such fuel has been approved by the Department in writing,

b. such approval has been verified by the shipper, and

c. record of such shipment will be retained for two years and said record shall be made available to the Department for its review and inspection during customary business hours.

8. Any person responsible for sale or distribution of residual fuel oils, or wholesale distribution or wholesale marketing of distillate fuel oils or coal, for burning or reshipment for burning within the District, shall register with the Department on a form to be supplied by the Department.

9. Approval granted under provisions of 310 CMR 7.05.1.d(1), (2), (3), (4), (5), (6) may be revoked by the Department for cause, or when in its opinion such is necessary to prevent or abate a condition of air pollution.

10. the Department will from time to time conduct a review of the operation of Section 7.05.1. The first review of the operation of Section 7.05.1. will be completed by no later than July 1, 1982. Subsequent review will be conducted at intervals or no more than three years. Such review will include:

a. an analysis of pertinent ambient air monitoring data,

b. dispersion modeling analysis using pertinent ambient air monitoring data and generally accepted modeling techniques,

c. an analysis of the costs and savings accrued through the use of fuel allowed by Section 7.05.1,

d. an analysis of the extent to which continued operation of Section 7.05.1 will limit growth, and

e. a review of the most recent health effects information to determine if this regulation significantly contributes to adverse health impacts.

The Department will hold a public hearing to receive comment on the review findings.

If, after public hearing the Department finds that the use of fuel allowed by Section 7.05.1 by any eligible source
a. has or will potentially cause or contribute to a violation of Massachusetts or National Ambient Air Quality Standards,
b. results in no net cost savings, or
c. will excessively constrain future growth, the Department will order such source or sources to use a fuel with a sulfur content consistent with these findings.

The review procedure outlined above is intended to insure a general, periodic review of Section 7.05.1. Nothing in this procedure should be construed to limit the Department's authority and responsibility to take appropriate immediate action if any source operating under the provisions of Section 7.05.1 causes or contributes to a violation of Massachusetts or National Ambient Air Quality Standards.

Regulation 7.05.1.d is approved for the following sources:
New England Power Company, Salem Harbor Station, Salem;
Boston Edison, L Street, New Boston Station, Boston;
Boston Edison, Mystic Station, Everett;
Vention Corporation, Danvers;
General Electric, Lynn River Works, Lynn;
U.S.M. Corporation, Beverly;
Medfield State Hospital, Medfield;
General Dynamics, Quincy;
Hollingsworth and Vose, East Walpole;
Kendal Company, Walpole;
Dennison Manufacturing Company, Framingham
Procter and Gamble Company, Quincy
~~insert Natick Paperboard Corp., Natick~~
General Motors, Framingham;
Polaroid Corporation, Norwood;
Bird and Son, East Walpole;
Massachusetts Correctional Institute, South Walpole;
Bridgewater State College, Bridgewater;
Hanscom Field, Bedford;
Wellesley College, Wellesley;
National Tanning and Trading, Peabody;
General Tire, Reading;
General Food Corporation, Atlantic Gelatin, Woburn;
Massachusetts Correctional Institute, Bridgewater;
W.R. Grace, Acton;
Massachusetts Correctional Institute, Concord;
Danvers State Hospital, Danvers;
Natick Paperboard Corporation, Natick.

5.1.e Pioneer Valley Air Pollution Control District

1. No person owning, leasing, or controlling the operation of a fossil fuel utilization facility shall cause, suffer, allow or permit the burning therein of any fossil fuel having a sulfur content in excess of .55 pounds per million Btu heat release potential (approximately equivalent to 1% sulfur content fuel oil) except as provided in Regulation 310 CMR 7.05.1.e(2), and (3), and 310 CMR 7.05.2.

2. Between June 1, 1976 and July 1, 1979, any person owning, leasing, or controlling the operation of a fossil fuel utilization facility having an energy input capacity rated by the Department of one hundred million (100,000,000) or greater Btu per hour may cause, suffer, allow or permit the burning therein of any fossil fuel with a sulfur content not in excess of 1.21 pounds per million Btu heat release potential (approximately equivalent to 2.2% sulfur content fuel oil) provided:

   a. he has applied to the Department in writing to use such fuel and submitted any information as the Department may require, and
   b. the use of such fuel would not cause other applicable air pollution regulations to be violated, and
   c. the facility has available, ready for conversion within six(6) hours of notice from the Department a three (3) day supply of fuel with a lower sulfur content as specified by the Department which shall be utilized during periods of adverse meteorological conditions when directed by the Department, and
   d. the use of such fuel has been approved in writing by the Department and the conditions of approval have been agreed to by the applicant in writing.

3. Any person owning, leasing or controlling the operation of a fossil fuel utilization facility located in Franklin and Hampshire Counties having an energy input capacity rated by the Department of less than one hundred million (100,000,000) Btu per hour may cause, suffer, allow, or permit the burning therein of residual fuel oil with a sulfur content not in excess of 1.21 pounds per million Btu heat release potential (approximately eqivalent to 2.2% sulfur content fuel oil), provided:

a. he has applied to the Department in writing to use such fuel and submitted any information as the Department may require, and
b. the Department determines that the use of such fuel would not cause other applicable air pollution control regulations or ambient air quality standards to be violated, and
c. the use of such fuel has been approved in writing by the Department and the conditions of approval have been agreed to by the applicant in writing.

The following sources in Franklin and Hampshire Counties have been denied permission to burn 2.2% sulfur fuel:

Esleeck Manufacturing Company, Montague
Strathmore Paper Company, Montague
Millers Falls Paper Company, Millers Falls

4. The provisions of Regulation 310 CMR 7.05.1.e(1) and (2) shall not apply to facilities that have presented a plan whereby use of a higher sulfur fuel would cause no greater emissions of sulfur compounds into the ambient air than if the lower sulfur content fuel were used and said plan has been approved by the Department in writing and the conditions for approval have been agreed to by the applicant in writing.

5. No person owning, leasing, or controlling the operation of a fossil fuel utilization facility shall cause, suffer, allow, or permit the burning therein of any No. 2 (distillate) fuel oil having a sulfur content in excess of 0.17 pounds of sulfur per million Btu heat release potential (approximately equal to 0.3% sulfur content fuel), unless:

a. he has applied to the Department for permission to use a higher sulfur fuel and presented a plan whereby use of said fuel would cause no greater emissions of sulfur compounds into the ambient air than if the lower sulfur content fuel were used, and

b. the use of such fuels has been approved in writing by the Department, and the conditions of approval have been agreed to by the applicant in writing.

6. No person shall ship or deliver in intrastate commerce to any person for burning, or reshipment for burning, within the District, any fuels with a sulfur content in excess of those specified in Regulations 310 CMR 7.05.1.e(1), (2), (3), or (4) except that such shipment may be made provided:

   a. use of such fuel has been approved by the Department in writing.
   b. such approval has been verified by the shipper, and
   c. record of such shipment will be retained for two years and said record shall be made available to the Department for its review and inspection during customary business hours.

7. Any person responsible for sale or distribution of residual fuel oils, or wholesale distribution or wholesale marketing of distillate fuel oils or coal, for burning or reshipment for burning within the District, shall register with the Department on a form to be supplied by the Department.

8. Approval granted under provisions of Regulation 310 CMR 7.05.1.e (1), (2), (3), or (4) may be revoked by the Department for cause, or when in its opinion such is necessary to prevent or abate a condition of air pollution.

9. The Department will from time to time conduct a review of the operation of Section 7.05.1. The first review of the operation of Section 7.05.1 will be completed by no later than July 1, 1982. Subsequent review will be conducted at intervals of no more than three years. Such review will include:

   a. an analysis of pertinent ambient air monitoring data,
   b. dispersion modeling analysis using pertinent ambient air monitoring data and generally accepted modeling tehcniques,
   c. an analysis of the costs and savings accrued through the use of fuel allowed by Section 7.05.1,
   d. an analysis of the extent to which continued operation of Section 7.05.1 will limit growth, and
   e. a review of the most recent health effects information to determine if this regulation significantly contributes to adverse health impacts.

The Department will hold a public hearing to receive comments on the review findings.

If, after public hearing the Department finds that the use of fuel allowed by Section 7.05.1 by any eligible source
a. has or will potentially cause or contribute to a violation of Massachusetts or National Ambient Air Quality Standards,
b. results in no net cost savings, or
c. will excessively constrain future growth, the Department will order such source or sources to use a fuel with a sulfur content consistent with these findings.

The review procedure outlined above is intended to insure a general, periodic review of Section 7.05.1. Nothing in this procedure should be construed to limit the Department's authority and responsibility to take appropriate immediate action if any source operating under the provisions of Section 7.05.1 causes or contributes to a violation of Massachusetts or National Ambient Air Quality Standards.

Regulation 7.05.1.d is approved for the following sources:

Deerfield Specialty Paper Company, Monroe Bridge;
Amherst College, Amherst;
Brown Company, Holyoke;
Monsanto Polymer and Petrochemical Company, Building 21, Springfield;
Monsanto Polymer and Petrochemical Company, Building 49, Springfield;
Mount Holyoke College, South Hadley;
Uniroyal Tire Inc., Chicopee;
Smith College, Northampton;
West Springfield Generating Station, Western Massachusetts Electric, West Springfield.
Belchertown State School, Belchertown;
James River Graphics (formerly Scott Graphics), South Hadley (conditioned upon operation of the boilers on only one of the two stacks at any given time, and operation being so restricted in the source's operating permit granted by the Massachusetts Department of Environmental Quality Engineering.);
Massachusetts Mutual Life Insurance Company, Springfield,
Northampton State Hospital, Northampton;
Springfield Technical Community College, Springfield;
Stanley Home Products, Easthampton;
Stevens Elastomeric Industries, Easthampton;
Ware Industries, Ware;
Westfield State College, Westfield;
Westover Air Force Base (building 1411), Chicopee;
University of Massachusetts, Amherst;
Mount Tom Generating Station, Holyoke.

5.1.f Southeastern Massachusetts Air Pollution Control District

1. No person owning, leasing, or controlling the operation of a fossil fuel utilization facility shall cause, suffer, allow or permit the burning therein of any fossil fuel having a sulfur content in excess of .55 pounds per million Btu heat release potential (approximately equivalent to 1% sulfur content fuel oil) except as provided in Regulation 310 CMR 7.05.1.f(2), (3), and 310 CMR 7.05.2.

2. Between May 1, 1976 and May 1, 1978, any person owning, leasing, or controlling the operation of a fossil fuel utilization facility having an energy input capacity rated by the Department of one hundred million (100,000,000) or greater Btu per hour may cause, suffer, allow, or permit the burning therein of any fossil fuel with a sulfur content not in excess of 1.21 pounds per million Btu heat release potential (approximately eqivalent to 2.2% sulfur content fuel oil) provided:

   a. he has applied to the Department in writing to use such fuel and submitted any information as the Department may require, and

   b. the use of such fuel would not cause other applicable air pollution regulations to be violated, and

   c. the facility has available, ready for conversion within six (6) hours of notice from the Department a three (3) day supply of fuel with a lower sulfur content as specified by the Department which shall be utilized during periods of adverse meteorological conditions when directed by the Department, and

   d. the use of such fuel has been approved in writing by the Department and the conditions of approval have been agreed to by the applicant in writing.

3. The provisions of Regulation 310 CMR 7.05.1.f(1) and (2) shall not apply to facilities that have presented a plan whereby use of a higher sulfur fuel would cause no greater emissions of sulfur compounds into the ambient air than if the lower sulfur content fuel were used and said plan has been approved by the Department in writing and the conditions for approval have been agreed to by the applicant in writing.

4. No person owning, leasing, or controlling the operation of a fossil fuel utilization facility shall cause, suffer, allow, or permit the burning therein of any No. 2 (distillate) fuel oil having a sulfur content in excess of 0.17 pounds of sulfur per million Btu heat release potential (approximately equal to 0.3% sulfur content fuel), unless:

   a. he has applied to the Department for permission to use a higher sulfur fuel and presented a plan whereby use of higher sulfur fuel would cause no greater emissions of sulfur compounds into the ambient air than if the lower sulfur content fuel were used, and

   b. the use of such fuels has been approved in writing by the Department and the conditions of approval have been agreed to by the applicant in writing.

5. No person shall ship or deliver in intrastate commerce to any person for burning, or reshipment for burning, within the District, any fuels with a sulfur content in excess of those specified in Regulation 310 CMR 7.05.1.f(1), (2), (3) or (4) except that such shipment may be made provided:

a. use of such fuel has been approved by the Department in writing,
b. such approval has been verified by the shipper, and
c. record of such shipment will be retained for two years and said record shall be made available to the Department for its review and inspection during customary business hours.

6. Any person responsible for sale or distribution of residual fuel oils, or wholesale distribution or wholesale marketing of distillate fuel oils or coal, for burning or reshipment for burning within the District, shall register with the Department on a form to be supplied by the Department.

7. Approval granted under provisions of Regulation 310 CMR 7.05.1.f (1), (2), (3), or (4) may be revoked by the Department for cause, or when in its opinion such is necessary to prevent or abate a condition of air pollution.

8. The Department will from time to time conduct a review of the operation of Section 7.05.1.. The first review of the operation of Section 7.05.1 will be completed by no later than July 1, 1982. Subsequent review will be conducted at intervals of no more than three years. Such review will include:
a. an analysis of pertinent ambient air monitoring data,
b. dispersion modeling analysis using pertinent ambient air monitoring data and generally accepted modeling techniques,
c. an analysis of the costs and savings accrued through the use of fuel allowed by Section 7.05.1,
d. an analysis of the extent to which continued operation of Section 7.05.1 will limit growth, and
e. a review of the most recent health effects information to determine if this regulation significantly contributes to adverse health impacts.

The Department will hold a public hearing to receive comment on the review findings.

If, after public hearing the Department finds that the use of fuel allowed by Section 7.05.1 by any eligible source
a. has or will potentially cause or contribute to a violation of Massachusetts or National Ambient Air Quality Standards,
b. results in no net cost savings, or
c. will excessively constrain future growth, the Department will order such source or sources to use a fuel with a sulfur content consistent with these findings.

The review procedure outlined above is intended to insure a general, periodic review of Section 7.05.1. Nothing in this procedure should be construed to limit the Department's authority and responsibility to take appropriate immediate action if any source operating under the provisions of Section 7.05.1 causes or contributes to a violation of Massachusetts or National Ambient Air Quality Standards.

Regulation 7.05.1.f is approved for the following:

New England Power Company, Brayton Point Station, Somerset;
Montaup Electric Company, Somerset Station, Somerset (limited to 75% capacity while burning higher sulfur fuels);
Canal Electric Company, Sandwich;
Taunton Municipal Lighting Plant, Somerset Avenue, Taunton.
L&O Realty Trust, Taunton;
New Bedford Gas and Electric, New Bedford;
Texas Instruments, Attleboro;
Arkwright Finishing Incorporated, Fall River;
Foster Forbes Glass Company, Milford;
Owens Illinois, Inc., Mansfield;
Harodite Finishing Corporation, Dighton (conditioned upon prior removal of raincaps from stack, and certification of completion to the EPA by the Massachusetts Department of Environmental Quality Engineering),
Polaroid Corporation, New Bedford.

REGULATION FUELS†

5.1 Sulfur Content of Fuels and Control Thereof

5.1 No person owning, leasing, or controlling the operation of a fossil fuel utilization facility located in the cities and towns of Arlington, Belmont, Boston, Brookline, Cambridge, Chelsea, Everett, Malden, Medford, Newton, Somerville, Waltham, or Watertown shall cause, suffer, allow, or permit the burning therein of any residual fuel oil or coal having a sulfur content in excess of 0.28 pounds per million Btu heat release potential unless

(a) he has applied to the Department for permission to use a higher sulfur content fuel and presented a plan whereby use of said fuel would have no greater air polluting effect than if fuel of 0.28 pounds of sulfur per million Btu were burned without said plan and
(b) said plan has been approved by the Department in writing.

5.1.2 No person owning, leasing, or controlling the operation of a fossil fuel utilization facility located in cities and towns other than those specified in Regulation 310 CMR 7.5.1 shall cause, suffer, allow, or permit the burning therein of any residual fuel oil or coal having a sulfur content in excess of 0.55 pounds per million Btu heat release potential unless

(a) he has applied to the Department for permission to use a higher sulfur content fuel and presented a plan whereby use of said fuel would have no greater air polluting effect than if fuel of 0.55 pounds of sulfur per million Btu were burned without said plan and
(b) said plan has been approved by the Department in writing.

5.1.3 No person owning, leasing, or controlling the operation of a fossil fuel utilization facility shall cause, suffer, allow, or permit the burning therein of any No. 2 fuel oil having a sulfur content in excess of 0.17 pounds of sulfur per million Btu heat release potential, unless

(a) he has applied to the Department for permission to use a higher sulfur fuel and presented a plan whereby use of said fuel would have no greater air polluting effect than if fuel of 0.17 pounds of sulfur per million Btu were burned without said plan and
(b) said plan has been approved by the Department in writing.

5.1.4 No person shall ship or deliver in intrastate commerce to any person for burning, or reshipment for burning, within the District, any fuels with a sulfur content in excess of those specified in Regulation 310 CMR 7.5.1.1, 7.5.1.2, or 7.5.1.3 except that such shipment may be made provided

(a) use of such fuel has been approved by the Department in writing,
(b) such approval has been verified by the shipper, and
(c) record of such shipment will be retained for two years and said record shall be made available to the Department for its review and inspection during customary business hours.

---

†The text of the original Regulation 310 CMR 7.5.1 is cited here because it is still applicable to sources not specifically approved under the new Regulation 310 CMR 7.05.1.

5.1.4 No person shall ship or deliver in intrastate commerce to any person for burning, or reshipment for burning, within the District, any fueld with a sulfur content in excess of those specified in Regulation 310 CMR 7.5.1.1, 7.5.1.2, or 7.5.1.3 except that such shipment may be made provided

(a) use of such fuel has been approved by the Department in writing,
(b) such approval has been verified by the shipper, and
(c) record of such shipment will be retained for two years and said record shall be made available to the Department for its review and inspection during customary business hours.

5.1.5 Any person responsible for sale or distribution of residual fuel oils or wholesale distribution or wholesale marketing of distillate fuel oils or coal for burning or reshipment for burning within the District shall register with the Department on a form to be supplied by the Department.

5.1.6 Approval granted under provisions of Regulation 310 CMR 7.5.1.1, 7.5.1.2, or 7.5.1.3 may be revoked by the Department for cause or when in its opinion such is necessary to prevent or abate a condition of air pollution.

5.2 U Use of Residual Fuel Oil

5.2.1 No person having control of a fossil fuel utilization facility rated by the Department as having an energy input capacity of three million (3,000,000) or less Btu per hour shall cause, suffer, allow, or permit the burning of any residual fuel oil therein.

5.3 U Hand-fired Fuel-burning Utilization Facilities

5.3.1 No person shall cause, suffer, allow, or permit any solid fuel to be burned or consumed in any hand-fired fuel-burning furnace rated by the Department as having an energy input capacity in excess of one hundred and fifty thousand (150,000) Btu per hour, except as may be specifically approved in writing by the Department under the provisions of Regulation 310 CMR 7.02.

5.4 Ash Content of Fuels

(a) B. No person shall cause, suffer, allow, or permit the burning in the District of any fossil fuel containing an ash content in excess of nine per cent (9%) by dry weight.

(b) CM, MB, MV, PV, and SM.

1. No person shall cause, suffer, allow, or permit the burning in the district of any fossil fuel containing an ash content in excess of nine (9%) by dry weight except as provided in Regulation 310 CMR 7.05.4(2).

2. Fossil fuel utilization facilities having an energy input capacity rated by the Department of two hundred and fifty million (250,000,000) or greater Btu/hour, may burn fossil fuel with an ash content in excess of nine percent (9%) by dry weight, provided

a. application is made to the Department in writing to use such fuel and any information the Department may require is submitted, and

b. the Department determines that the use of such fuel would not cause other applicable air pollution control regulations or ambient air quality standards to be violated, and

c. the use of such fuel has been approved in writing by the Department and the conditions of approval have been agreed to by the applicant in writing. Such conditions of approval may include the installation, operation and maintenance of ambient air monitoring equipment by the applicant in a manner specified by the Department.

3.U Shippers and distributors of fossil fuels shall provide evidence, to the satisfaction of customer-users, of the ash content of fuels supplied for burning within the District.

5.5 Fuel Additives

5.5.a No person having control of a fuel utilization facility shall cause, suffer, allow, or permit the use therein of a fuel additive which causes or contributes to a condition of air pollution or which the Department has not approved the use thereof in writing.

5.5.b Exceptions

5.5.b.1 Regulation 310 CMR 7.05.5.a shall not apply to any person having control of a fuel utilization facility who has

(a) applied to the Department for approval of use of a fuel additive and
(b) demonstrated to the satisfaction of the Department the need thereof and
(c) presented evidence indicating the extent to which use of the fuel additive will contribute to or minimize the potential of said facility to cause or contribute to a condition of air pollution and
(d) been granted approval for such use in writing.

5.5.b.2 Regulation 310 CMR 7.05.5.a shall not apply to any person having control of a fuel utilization facility who uses a fuel additive therein and in a manner as recommended or prescribed by the manufacturer or distributor thereof provided the manufacturer or distributor of said fuel additive has:

(a) applied to the Department for approval of said specific fuel additive for general public use thereof and
(b) defined the purpose and recommended doses for a manner of use of said additive and
(c) presented evidence indicating the extent to which said use of the fuel additive will cause or contribute to a condition of air pollution and
(d) has been granted approval in writing of said fuel additive for general public use as recommended by the manufacturer or distributor and subject to such provisions as prescribed by the Department in said approval.

5.5.c No person shall sell or distribute for sale or use any fuel additive, for use in any fuel utilization facility in the District, which the Department has not approved for use under the provisions of this regulation.

5.5.d Regulation 310 CMR 7.05.5.a shall not apply to any fuel additive widely used by the general public which the Department, on its own initiative, administratively exempts for the commonweal.

5.5.e Approval for use of fuel additives under provisions of Regulation 310 CMR 7.05.5.b may be granted for a specified period of time for research purposes provided, in the opinion of the Department, there is reason to believe that such use will not cause or contribute to a condition of air pollution.

5.6 U Fuel Supplies

5.6.a Any person supplying in intrastate commerce for burning or reshipment for burning within the District, fuel oil of a grade No. 2 or greater or coal shall keep and maintain records showing the quantities of the fuels handled and analyses showing the B.t.u. value, sulfur content, viscosity, and ash content of said fuels and shall make such records available to the Department for its review and inspection during customary business hours.

5.6.b Any person supplying in intrastate commerce for burning within the District, fuel oil of a grade No. 2 or coal or gas shall submit a list of its customers using more than 30,000 gallons per year of fuel oil or more than 150 tons of coal, or more than 4,000,000 cubic feet of gas by May 1 of each year covering the period of January 1 to December 31 of the previous year, and showing each customer's address, fuel type, sulfur content and monthly fuel amount.

5.7 through 5.10

(Reserved for future use)

5.11 All fuel analyses to be performed, by or for distributors or users of fuels, for purposes of these regulations shall be performed in such manner and reported in such units as are approved by the Department.

REGULATION 7.06. U Visible Emissions†

6.1 From Stationary Sources Other Than Incinerators

6.1.a No person shall cause, suffer, allow, or permit the emission of smoke which has a shade, density, or appearance equal to or greater than No. 1 of the Chart for a period, or aggregate period of time in excess of six minutes during any one hour, provided that at no time during the said six minutes shall the shade, density, or appearance be equal to or greater than No. 2 of the Chart.

6.1.b No person shall cause, suffer, allow or permit the operation of a facility so as to emit contaminant(s), exclusive of uncombined water or smoke subject to Regulation 6.1.1, of such opacity which, in the opinion of the Department, could be reasonable controlled through the application of modern technology of control and a good Standard Operating Procedure, and in no case, shall exceed 20% opacity for a period or aggregate period of time in excess of 2 minutes during any one hour provided that, at no time during the said 2 minutes shall the opacity exceed 40%.

---

†A variance to Regulation 7.06 (formerly Regulation 6) was granted to allow the burning of a coal/slurry in Unit #1, Salem Harbor Station, Salem, MA. See "Non-Regulatory" section (pub. 8/12/80, sub. 12/28/79) for text of variance.

6.2 From Incinerators

6.2.a No person shall cause, suffer, allow, or permit the emission of smoke, from any incinerator, which has a shade, density, or appearance equal to or greater than No. 1 of the Chart or exceeding 20% opacity at any time.

6.2.b No person shall cause, suffer, allow, or permit the operation of an incinerator so as to emit contaminant(s), exclusive of uncombined water or smoke subject to Regulation 310 CMR 7.06.2.a of such opacity which, in the opinion of the Department, could be reasonably controlled through application of modern technology of control and a good Standard Operating Procedure.

6.2.c No person shall cause, suffer, allow, or permit emissions from any incinerator of any particles that have a dimension equal to or greater than 100 microns.

6.3 From Marine Vessels

6.3.1 Marine vessels shall be subject to the provisions of Regulation 310 CMR 7.06.1.a and 7.06.1.b. This Regulation shall apply only in the Merrimack Valley Air Pollution Control District, Metropolitan Boston Air Pollution Control District, and the Southeastern Massachusetts Air Pollution Control District.

6.4 From Aircraft

After December 31, 1972, no person shall cause, suffer, allow, or permit the emission from an aircraft of smoke which has a shade, density, or appearance equal to or greater than No. 2 of the Chart for a period of time in excess of ten seconds during landing, takeoff, or taxiing operations.

6.5 From Spark-Ignited Internal Combustion Engines

6.5.a No person shall cause, suffer, allow, or permit emission of visible air contaminants, other than water, from internal combustion engines of:

(1) portable or stationary equipment, other than motor vehicles, for longer than ten (10) consecutive seconds; or
(2) a motor vehicle after the vehicle has moved more than 100 feet from a place where the vehicle was stationary; or
(3) a motor vehicle, for more than five (5) consecutive seconds, under any condition of cruising or acceleration.

6.6 From Diesel Engines

No person shall cause, suffer, allow, or permit excessive emission of visible air contaminants, other than water, from a diesel engine.

REGULATION 7.07.U Open Burning

7.1 No person shall cause, suffer, allow, or permit the open burning of any combustible material.

7.2 Regulation 310 CMR 7.07.1 shall not apply to:

(a) Open burning for the purpose of combating or backfiring an existing fire by persons affiliated with an official fire fighting agency;
(b) open burning conducted primarily for cooking purposes; or
(c) Open burning related to the operation of devices such as blowtorches and welding torches, for which no alternative source of heat can be used, provided that such devices do not cause a condition of air pollution.

7.3 Except during periods of adverse meteorological conditions as may be determined by the Department when direct or public notice thereof has been made by the Department through the news media, Regulation 310 CMR 7.07.1 shall not apply to open burning conducted for:

(a) training or research in fire protection or prevention with specific approval by the Department;
(b) activities associated with the normal pursuit of agriculture which have been determined by the Department as necessary and which include, but are not limited to, open burning of blueberry patches for pruning purposes, dead raspberry stalks, fruit tree prunings, and infected beehives for disease control;
(c) open burning of brush and trees resulting from agricultural land clearing operations;
(d) the disposal of fungus-infected elm wood provided that no suitable alternative method of disposal is available;
(e) the disposal of brush, cane, driftwood and forestry debris and excluding grass, hay, leaves, and stumps, from January 15 to May 1 of each year. All such open burning shall be conducted:
    1. on land proximate to the place of generation,
    2. at a location greater than 75 feet from any dwelling, and
    3. between ten o'clock A.M. and four o'clock P.M.

No such open burning shall apply to commercial or institutional land clearing for non-agricultural purposes.

Open burning under this sub-section shall not be permitted in the Cities and Towns of Arlington, Belmont, Boston, Brookline, Cambridge, Chelsea, Chicopee, Everett, Fall River, Holyoke, Lawrence, Lowell, Malden, Medford, New Bedford, Newton, Somerville, Springfield, Waltham, Watertown, West Springfield, and Worcester, or where the Department has notified a city or town that:

1. open burning under this provision may cause or contribute to non-attainment of federal or state ambient air quality standards for total suspended particulates,
2. open burning under this provision may cause or contribute to a condition of air pollution, or
3. open burning under this provision is not permitted due to continued violations of the provisions for the proper conduct of such open burning. (Such action shall be taken only after said city or town has been given written notification of such violations and has in the opinion of the Department failed to take appropriate actions to prevent the continuance of such violations.)

Upon request of the Department the permitting authority of any City or Town shall notify the Department of the number of permits issued during any burning period.

(f) the disposal of combustible material with the approval of the Department and after demonstration to the satisfaction of the Department that no alternative suitable method of disposal is available;

(g) open burning as described in parts (a) through (f) must be conducted:
1. during periods of good atmospheric ventilation,
2. without causing a nuisance,
3. with smoke minimizing starters if starters or starting aids are used, and
*4. under the provisions of a properly executed permit issued under the provisions of Section 13 of Chapter 48 of the General Laws.

7.4 Except as may be incidental to compliance with the provisions contained in Regulation 310 CMR 7.07.2 and 7.07.3 no person shall stack, place, or store combustible material in such manner as to cause or allow presumption by the Department that such material may be subject to reduction by open burning.

7.5 Notwithstanding the provisions of Regulation 310 CMR 7.07.3, no person shall cause, suffer, allow or permit open burning at any refuse disposal facility other than an incinerator as described in Section 150A of Chapter 111 of the General Laws.

7.6 Regulations 310 CMR 7.07.1, 7.07.2, 7.07.3, 7.07.4, and 7.07.5 are subject to the enforcement provisions specified in Regulation 310 CMR 7.52.

---

*Section 13 of Chapter 48, Massachusetts General Laws provides in part:
1. such permits may not be granted for more than two days from the date of issue,
2. a written record must be maintained for each permit including the date of permit issuance, name and address of the person receiving the permit including the location and type of materials to be burned, and
3. such records must be available for public inspection.

REGULATION 7.08 U Incinerators

8.1 General

8.1.a No person shall cause, suffer, allow, or permit the construction or substantial reconstruction or alteration of any incinerator for which

(1) the design for construction or substantial reconstruction or alteration thereof and
(2) the Standard Operating Procedure

have not been approved by the Department in writing.

8.1.b No person shall sell or distribute for sale any special incinerator or modular incinerator, for installation or use within the District, the design and Standard Operating Procedure for which have not been approved in writing by the Department or certification of said approval has not been given by the person selling or distributing the incinerator to the person to whom the sale or distribution is made.

8.1.c No person shall cause, suffer, allow, or permit the burning of refuse or any other material in any incinerator in a manner that is not in conformance with a Standard Operating Procedure (for the incinerator) that has been approved by the Department in writing.

8.1.d No person shall cause, suffer, allow, or permit the burning of refuse or any other material in any incinerator, other than a municipal incinerator, which is of a design that has not been approved by the Department in writing.

8.1.e No person shall cause, suffer, allow, or permit the burning of refuse or any other material in an incinerator at a specific site location that, in the opinion of the Department, is likely to cause or contribute to a condition of air pollution and when the person responsible for the operation of the incinerator has been notified of said opinion.

8.1.f Regulations 310 CMR 7.08.1.c and 7.08.1.d are subject to the enforcement provisions specified in Regulation 310 CMR 7.52. insofar as they pertain to domestic incinerators.

8.1.g No person shall cause, suffer, allow, or permit emissions from any incinerator of any particles that have a dimension greater than 100 microns. (Be referred to Regulation 310 CMR 7.06.2)

8.2 Municipal Incinerators

8.2.a No person shall cause, suffer, allow, or permit the construction or substantial reconstruction or alteration or thereafter the operation of a municipal incinerator for which the site location has not been approved by the Department in writing.

8.2.b No person shall cause, suffer, allow or permit the operation of a municipal incinerator unless said incinerator has complied with the provisions of Regulation 310 CMR 7.02.

8.2.c Tests for determining emission contaminant concentrations shall be conducted in a manner as specified in Regulation 310 CMR 7.02.

8.3 Commercial, Industrial, and Special Incinerators

No person shall cause, suffer, allow, or permit the construction or substantial reconstruction or alteration or thereafter the operation of a commercial, industrial, or special incinerator for which the site location has not been approved by the Department in writing.

REGULATION 7.09 U Dust, Odor, Construction, and Demolition

9.1 No person having control of any dust or odor generating operations such as, but not limited to asphalt batching plants, asphalt roofing materials manufacturing plants, asphalt blowing plants, foundries, chemical products manufacturing plants, incinerators, fossil fuel utilization facilities, petroleum products manufacturing plants, aggregate manufacturing plants, food preparation or processing facilities, wood products plants, dry cleaning establishments, paint and varnish manufacturing plants, paper manufacturing plants, leather manufacturing plants, concrete batching plants, metal coating and treating plants, land clearing operations, construction work, dump operations, agricultural operations, and street sweeping shall permit emissions therefrom which cause or contribute to a condition of air pollution.

9.2 No person responsible for any construction or demolition of an industrial, commercial or institutional building or residential building with twenty or more dwelling units, shall cause, suffer, allow, or permit emissions therefrom which cause or contribute to a condition of air pollution. Said person shall notify the Department in writing twenty days prior to the initiation of said construction or demolition operation. The twenty day advance notice period will be waived in the event of emergency demolition necessary to prevent a public health or safety hazard.

9.3 No person responsible for an area where construction or demolition has taken place shall cause, suffer, allow, or permit particulate emissions therefrom to cause or contribute to a condition of air pollution by failure to seed, pave, cover, wet, or otherwise treat said area to prevent excessive emissions of particulate matter.

9.4 No person shall cause, suffer, allow, or permit the handling or transportation or storage of any material in a manner that results or may result in emissions therefrom which cause or contribute to a condition of air pollution.

9.5 No persons responsible for any construction or demolition of a structure that contains friable asbestos material shall fail to comply with Regulations 310 CMR 7.09.2 and 310 CMR 7.02. (National Emission Standards for Hazardous Pollutants).

9.6 No person shall cause, suffer, allow, or permit the operation of mechanized street sweeping equipment that is not equipped with a suitable dust collection or dust suppression system which is maintained in good operating condition and is operated continuously while the street sweeping equipment is in use to prevent conditions of air pollution.

9.7 Regulations 310 CMR 7.09.1, 7.09.2, 7.09.3, 7.09.4, and 7.09.6. are subjected to the enforcement provisions specified in Regulation 310 CMR 7.52.

REGULATION 7.10. U Noise

10.1 No person owning, leasing, or controlling a source of sound shall willfully, negligently, or through failure to provide necessary equipment, service, or maintenance or to take necessary precautions cause, suffer, allow, or permit unnecessary emissions from said source of sound that may cause noise.

10.2 Regulation 310 CMR 7.10.1 shall pertain to, but shall not be limited to, prolonged unattended sounding of burglar alarms, construction and demolition equipment which characteristically emit sound but which may be fitted and accomodated with equipment such as enclosures to suppress sound or may be operated in a manner so as to suppress sound, suppressable and preventable industrial and commercial sources of sound, and other man-made sounds that cause noise.

10.3 Regulation 310 CMR 7.10.1 shall not apply to sounds emitted during and associated with

(a) parades, public gatherings, or sporting events, for which permits have been issued provided that said parades, public gatherings, or sporting events in one city or town do not cause noise in another city or town;
(b) emergency police, fire, and ambulance vehicles;
(c) police, fire, and civil and national defense activities; and
(d) domestic equipment such as lawn mowers and power saws between the hours of 7 A.M. and 9 P.M.

10.4 Regulation 310 CMR 7.10.1 is subject to the enforcement provisions specified in Regulation 310 CMR 7.52.

REGULATION 7.11. Transportation Media (Be referred to Regulation 310 CMR 7.06)

11.1 Motor Vehicles

11.1.a All motor vehicles registered in the Commonwealth shall comply with pertinent regulations of the Registry of Motor Vehicles relative to exhaust and sound emissions.

11.1.b No person shall cause, suffer, allow, or permit the unnecessary operation of the engine of a motor vehicle while said vehicle is stopped for a foreseeable period of time in excess of five minutes. This regulation shall not apply to

(1) vehicles being serviced, provided that operation of the engine is essential to the proper repair thereof, or
(2) vehicles engaged in the delivery or acceptance of goods, wares, or merchandise for which engine assisted power is necessary and substitute alternate means cannot be made available, or
(3) vehicles engaged in an operation for which the engine power is necessary for an associated power need other than movement and substitute alternate power means cannot be made available provided that such operation does not cause or contribute to a condition of air pollution.

11.1.c Regulation 310 CMR 7.11.1.b is subject to the enforcement provisions specified in Regulation 310 CMR 7.52.

11.2 Diesel Trains

11.2.a No person owning or operating a diesel powered locomotive shall cause, suffer, allow, or permit said locomotive to be operated in a manner such as to cause or contribute to a condition of air pollution.

11.2.b No person shall cause, suffer, allow, or permit the unnecessary foreseeable idling of a diesel locomotive for a continuous period of time longer than thirty minutes. This regulation shall not apply to diesel locomotives being serviced provided that idling is essential to the proper repair of said locomotive and that such idling does not cause or contribute to a condition of air pollution.

11.2.c Regulations 310 CMR 7.11.2.a and 7.11.2.b are subject to the enforcement provisions specified in Regulation 310 CMR 7.52.

11.3 Aircraft

No person owning or operating an airport shall cause, suffer, allow, or permit routine warmups, testing, or other operation of aircraft while on the ground, in such a manner as to cause or contribute to a condition of air pollution, outside of the property lines of the airport, that in the opinion of the Department are unreasonable and feasibly preventable.

11.4 Marine Vessels

No person owning, operating, or having control of a seagoing vessel while it is in the District shall cause, suffer, allow, or permit, aboard said vessel, tube blowing or soot removal activities that cause or contribute to a condition of air pollution. This Regulation shall apply only in the Merrimack Valley Air Pollution Control District, Metropolitan Boston Air Pollution Control District, and the Southeastern Massachusetts Air Pollution Control District.

REGULATION 7.12. U Registration Record Keeping and Reporting

12.1 General Application: No person shall cause, suffer, allow, or permit the operation of an air contamination source until that person complies with the provisions of Chapter 111, Section 142B of the General Laws as amended by Chapter 797 of the Acts of 1971.

All persons owning, operating, or controlling sources as described below must apply annually for registration on a form supplied by the Department setting forth such information pertaining to said source as the Department may specify.

All persons owning, operating, or controlling sources as described below must apply annually for registration on a form supplied by the Department setting forth:

(a) the nature and amounts of emissions for said source,
(b) information which may be correlated to the nature and amounts of emissions from said source, and
(c) any other information pertaining to said source as the Department may require.
(d) This information must be submitted semi-annually for sources which emit 100 tons or more a year.

As required by the Clean Air Act, the Department shall review the supplied information and correlate it with applicable emission limitations. All such emission data and correlations shall be available during normal working hours at the office of the Division of Air and Hazardous Materials and at other such places as the Department may specify.

Copies of all information supplied to the Department pursuant to Regulation 310 CMR 7.12 shall be retained by the source owner or operator for two (2) years after the date on which the report is submitted.

12.2 Fossil Fuel Combustion Facilities

Any person having control of a fuel burning facility such as but not limited to a coal burner, oil burner, wood burner, or gas burner that has a rated input capacity in excess of three (3) million B.t.u. per hour shall comply with Regulation 310 CMR 7.12.1.

12.3 Industrial Facilities

12.3.a Any person having control of an industrial facility having an emission capability of equal to or greater than

(1) five (5) lbs/hr. of particulate matter,
(2) four (4) lbs/hr. of oxides of sulfur,
(3) forty (40) lbs/day of organic material, or
(4) one (1) lb/hr. of nitrogen dioxide

shall comply with Regulation 310 CMR 7.12.1.

12.3.b Regulation 310 CMR 7.12.1 and 7.12.3.a shall apply to such industrial facilities as asphalt batching plants, foundries, chemical products manufacturing plants, petroleum products and manufacturing plants, aggregate manufacturing plants, food and food products plants, dry cleaning establishments, paint and varnish manufacturing plants, paper manufacturing plants, leather manufacturing plants, concrete manufacturing plants, and metal coating and treating plants, and such other facilities as the Department may require.

12.4 Incinerators

Any person having control of an incinerator facility that has a capability of reducing in excess of 1,000 pounds per hour of waste shall comply with Regulation 310 CMR 7.12.1.

REGULATION 7.13 U Stack Testing

13.1 Any person having control of a facility for which the Department has determined that stack testing is necessary to ascertain compliance with the Department's regulations or design approval provisos shall cause such stack testing:

(a) to be conducted by a person knowledgeable in stack testing,

(b) to be conducted in accordance with procedures approved by the Department,

(c) to be conducted in the presence of a representative of the Department when such is deemed necessary, and

(d) to be summarized and submitted to the Department with analyses and report by an engineer registered in accordance with the provisions of Chapter 112 of the General Laws as amended.

13.2 Any person having control of a facility, relative to which the Department determines that stack testing (to ascertain the mass emission rates of air contaminants emitted under various operating conditions) is necessary for the purposes of regulation enforcement or determination of regulation compliance shall cooperate with the Department to provide:

(a) entrance to a location suitable for stack sampling,

(b) sampling ports at locations where representative samples may be obtained,

(c) staging and ladders to support personnel and equipment for performing the tests,

(d) a suitable power source at the sampling location for the operation of sampling equipment, and

(e) such other reasonable facilities as may be requested by the Department.

REGULATION 7.14 U Monitoring Devices and Reports

(This regulation is disapproved only to the extent that it does not require periodic reports on emissions).

14.1 Upon request by the Department through direct communication or public notice, any person who owns or operates a stationary emission source of a category and class specified by the Department,

(a) shall install, maintain, and use emission monitoring devices, of a design and installation approved by the Department, and

(b) shall make periodic reports to the Department on the nature and amounts of emissions from said such source which the Department shall review and correlate for its use in emissions control and exhibit for public information.

REGULATION 7.15. Asbestos

15.1 No person shall cause, suffer, allow, or permit the spray application of asbestos fibers or materials containing asbestos fibers; or the application of said materials by means which, in the opinion of the Department, may cause or contribute to a condition of air pollution.

15.2 No person responsible for any construction or demolition of a structure that contains friable asbestos shall fail to comply with Regulations 310 CMR 7.02 and 310 CMR 7.09.

REGULATION 7.16. Reduction of Single Passenger Commuter Vehicle Use

7.16.1 Commencing with the effective date of this Regulation, each affected facility (except as provided below) shall diligently and expeditiously implement and thereafter continuously maintain the following mandatory measures which are designed to achieve a goal of reducing the number of single-occupant commuter vehicles customarily commuting daily to each employment facility as of its base date by 25 percent or as adjusted pursuant to Regulation 310 CMR 7.16.5:

(a) Making available to commuters any pass program offered by the area transit authority, if any commuter to the facility uses the public transit facilities of such authority as part of his daily commuting trip, including making all administrative arrangements for commuters to purchase the pass and thereby participate in the pass program and encouraging commuters to participate by such means as publicizing the availability of the pass program and the cost advantages thereof.

(b) Posting in a conspicuous place or places the schedules, rates, and routes of every bus which serves the facility including the services offered by the area transit authority and any privately or publicly operated services which may exist in the immediate vicinity of the employer.

(c) Providing incentives for bicycle commuting such as secure locking facilities and removal of restrictive rules against bicycle usage at the facility.

(d) Negotiating with authorities in charge of bus lines serving the facility for improved service information on the location and density of employees' residences and commuting times to be used for route planning by local transit authorities.

(e) Conducting a carpooling program (either alone or in cooperation with neighboring facilities) which:

  (1) matches on a regularly recurring basis (not less than once every twelve months) the names, addresses, and suitable contact information of all commuters who commute in single-occupant commuter vehicles to a facility or group of neighboring facilities and who express interest in carpooling, so that such commuters with similar daily travel patterns are informed and aware of each other for the purpose of forming carpools;
  (2) continuously publicizes the advantages of carpooling, both in terms of savings of fuels and money and any incentive in effect at the facility;
  (3) creates incentives for carpool formation by providing persons who carpool with first call on available parking spaces, or spaces which are closest to entrances to the facility; and
  (4) provides information for carpooling program to prospective and new employees, and offers new employees the opportunity to participate in such program.

(f) In the case of an employment facility with 1,000 or more employees, implement a vanpool program which shall include the following elements:
  (1) the employer shall:
    (a) cooperate with a nonprofit third-party vanpool program and offer their employees the opportunity to participate in such a program; or
    (b) post in a conspicuous place and regularly notify all employees of an outstanding offer to acquire (by purchase, lease, or otherwise), insure and make available to any group of at least 10 employees a van for their use as a vanpool. Such offer, a copy of which shall be sent to the Secretary at the time of the employer's first updated report, shall include the procedures by which vanpools are offered and the conditions upon which the offer is contingent, including acceptance by the prospective driver of the responsibility for providing regular service, training back-up drivers, and arranging vehicle maintenance, and acceptance by each other member of the prospective group of responsibility for payment of a pro rata share of all direct costs (such as rental charge, licensing costs, insurance, tolls, fuel and repair) and indirect costs (such as depreciation and interest on borrowed funds) of the operation and maintenance of vehicle.

(c) notify the Secretary when it is learned that 10 or more employees are interested in forming a vanpool.

(2) The employer shall analyze and continuously publicize the advantages of vanpooling, including any resulting cost savings, convenience, and any incentives in effect at the facility. Such incentives shall include providing persons who vanpool with first call on available parking spaces or spaces which are closest to entrances to the facility.

(3) Matching for the vanpool program should be coordinated with the carpool matching program, to facilitate the formation of vanpools.

Upon reaching such a 25 percent goal, as stated at the beginning of this section, such employer shall thereafter continue such a program in such a manner as to aim at maintaining the ratio of single-occupant commuter vehicles to total commuters customarily arriving at its facility at or below the ratio referred to in Regulation 310 CMR 7.16(2)(e). If an employer or educational institution reaches and thereafter maintains said goal by implementing less than all the measures in Regulation 310 CMR 7.16(1), it shall not be subject to a requirement to implement the remainder of such measures.

Commencing with the effective date of this Regulation, smaller employers shall also cooperate with MASSPOOL in its efforts to promote and organize multi-employer ride-sharing activities.

7.16.2 MB The base date and the date for submittal of the base date report for all existing affected facilities shall be as provided in 40 CFR 52.1161, June 12, 1975. This regulation established the base date for all existing affected facilities as October 1, 1975, except as provided below, and required a facility with more than 250 commuters to submit at least a base date report to the Secretary on October 15, 1975. The base date for an affected facility which becomes subject to the requirements of this Regulation upon its effective date shall be October 15, 1979, except as provided below. Each employer with a base date of October 15, 1979 shall submit to the Secretary their base data report for each affected facility by November 15, 1979. The base date for an affected facility which attains an employment level of 250 or more employees after the effective date of this Regulation shall be the date six months after it reaches such a level, except as provided below, and its base date report shall be due on the next date not more than six months later than is specified for any report or updated report by any existing facility. Where an employer or educational institution can establish to the satisfaction of the Secretary that a facility has commenced measures to reduce the number of single-occupant vehicles customarily arriving daily at an earlier date, the Secretary may approve the use of such earlier date as the base date for such facility. In lieu of establishing the actual number of such vehicles on such earlier date, an employer or educational institution may assume for the purpose of this section that prior to such earlier date 20 percent of all commuters to such facility who arrived by motor vehicle other than mass transit customarily arrived by means of other than single-occupant commuter vehicles.

PV The base date for all existing affected facilities shall be June 15, 1977, except as provided below. By June 30, 1977 each employer with a base date of June 15, 1977 shall submit to the Secretary their base date report for each affected facility. The base date for an affected facility which becomes subject to the requirements of this Regulation upon its effective date shall be October 15, 1979, except as provided below. Each employer with a base date of October 15, 1979 shall submit to the Secretary their base date report for each affected facility by November 15, 1979. The base date for an affected facility which attains an employment level of 250 or more employees after the effective date of this Regulation shall be the date six months after it reaches such a level, except as provided below, and its base date report shall be due on the next date not more than six months later than is specified for any report or updated report by an existing facility. Where an employer or educational institution can establish to the satisfaction of the Secretary that a facility had commenced measures to reduce the number of single-occupant commuter vehicles customarily arriving daily at an earlier date, the Secretary may approve the use of such earlier date as the base date for such facility. In lieu of establishing the actual number of such vehicles on such earlier date, an employer or educational institution may assume for the purpose of this section that prior to such earlier date 20 percent of all commuters to such facility who arrived by motor vehicle other than mass transit customarily arrived by means other than single-occupant vehicles.

B, CM, MV, SM The base date for all existing affected facilities shall be October 15, 1979, except as provided below. By November 15, 1979, each employer shall submit to the Secretary their base date report for each affected facility. The base date for an employment facility which attains an employment level of 250 or more employees after it reaches such a level, except as provided below, and its base date report shall be due on the next date not more than six months later than is specified for any report or updated report by an existing facility. Where an employer or educational institution can establish to the satisfaction of the Secretary that a facility had commenced measures to reduce the number of single-occupant commuter vehicles customarily arriving daily at an earlier date, the Secretary may approve the use of such earlier date as the base date for such facility. In lieu of establishing the actual number of such vehicles on such earlier date, an employer or educational institution may assume for the purpose of this section that prior to such earlier date 20 percent of all commuters to such facility who arrived by motor vehicle other than mass transit customarily arrived by means other than single-occupant commuter vehicles.

Each base date report shall be current, and include:

(a) The number of commuters who take any means of transportation to such facility as of its base date.

(b) The number of single-occupant commuter vehicles customarily used daily by commuters to the facility, the number of commuters who customarily carpool in a private vehicle carrying two or more occupants, the number of commuters who customarily vanpool in a vehicle carrying eight or more occupants, the number of commuters who customarily commute by any means of public transportation, the number of employees who customarily commute by any other means of travel (taxi, bicycle, etc.).

(c) The total number of vehicles customarily used daily by commuters to the facility as of the base date.

(d) The percentage which the current number of daily commuters in single-occupant vehicles is of all daily commuters to the facility.

(e) The percentage derived by taking three-quarters of the percentage calculated in Regulation 310 CMR 7.16(2)(d). This percentage will serve as the program goal for individual employers defined as the ratio of single-occupant commuter vehicles to total daily commuters to the facility.

(f) The number of van-type vehicles with eight or more commuters customarily arriving at the facility.

(g) The type of carpool matching program with a description of materials currently being used.

(h) The level of participation achieved in the most recent program, including the number of data cards distributed, and returned, the number of matching lists distributed and the number of commuters in newly formed carpools.
(i) The types of incentives offered, including parking, flexihours and others.
(j) The promotional strategies used to encourage ride-sharing with copies of relevant materials excluding those supplied by MASSPOOL.
(k) The number of vans sponsored.
(l) The number of participants currently enrolled in a prepaid transit pass program, if applicable.

7.16.3 U Each affected employer shall annually update its base date report by means of a report containing:

(a) Updated information called for in Regulation 310 CMR 7.16(2).

(b) The net change in percentage points between the percentage reported under Regulation 310 CMR 7.16(2)(e) as of the base date and that under Regulation 310 CMR 7.16(2)(d) as of the date of the current report.

(c) The net change in percentage points between the percentage reported under Regulation 310 CMR 7.16(2)(d) as of the last reporting period and the date of the current report.

(d) A detailed description of all measures which have been taken to reduce the number of single-occupant commuter vehicles to the facility and the commuter response to such measures.

The first such annual updated report for affected employers in the Metropolitan Boston Air Pollution Control District and the Pioneer Valley Air Pollution Control District shall be due on November 15, 1979, and successively each 12 months. The first such annual updated report for affected employers in the Berkshire Air Pollution Control District, Central Massachusetts Air Pollution Control District, Merrimack Valley Air Pollution Control District, and Southeastern Massachusetts Air Pollution Control District shall be due on November 15, 1980, and successively each 12 months.

7.16.4 U Each employer submitting reports required by Regulation 310 CMR 7.16(3) shall cause such reports to be signed as follows:

(a) In the case of a corporation, by a principal executive officer of at least the level of vice president, or his duly authorized representative, if such representative is responsible for the overall operation of the facility covered by the report.

(b) In the case of a partnership, by a general partner.
(c) In the case of a sole propiretorship, by the proprietor.
(d) In the case of an unincorporated association, by the president or the chairman thereof.
(e) In the case of municipal, state, or other public facility, by either a principal executive officer, ranking elected official, or other fully authorized employee.

Each employer submitting reports required by Regulations 310 CMR 7.16(3) shall retain for at least three years all supporting documents and data upon which each such report was based. Each report submitted pursuant to Regulation 310 CMR 7.16(3) shall be accompanied by an adequate explanation of the methodology used to gather, complete and analyze the data, the assumptions used in that analysis, and samples of the forms used to elicit the underlying information from commuters at the facility.

7.16.5 U Where the total number of commuters to a particular facility is changed due to fluctuation in employment between the base date and the date of any report under Regulation 310 CMR 7.16(3) such fact shall be reported at the time of the submission of such report. The goal of the employer having such a change is to attain and maintain the ratio of commuters customarily arriving at the facility daily in single-occupant commuter vehicles to total commuters indicated by Regulation 310 CMR 7.16(2)(e).

7.16.6 U If an employer does not meet and thereafter at all times maintain the reduction specified under Regulation 310 CMR 7.16(2) in connection with each report under Regulation 310 CMR 7.16(3) it shall, upon written notification of the Secretary, submit a description of any remedial actions which it intends to take to meet the requirements of Regulation 310 CMR 7.16(2).

7.16.7 U If an employer in good faith diligently and expeditiously implements and thereafter continuously maintains those measures set forth in Regulation 310 CMR 7.16(2) as are applicable to it, it shall not be subject to any enforcement action even though it may fail to achieve the 25 percent goal referred to in Regulation 310 CMR 7.16(1).

7.16.8 U Within 60 days after the receipt of the periodic reports required under Regulation 310 CMR 7.16(3), the Secretary shall submit to the Department a summary of the information contained in such reports, including:

(a) A list of all employers in the order of the percentage reduction achieved between the base dates and the date of the required report.

(b) The total reduction between the respective base dates and the date of the required reports of the number of single-occupant vehicles customarily used to arrive at all facilities for which reports were filed.

(c) A list of employers that have not complied with the provisions of Regulation 310 CMR 7.16.

REGULATION 7.17 SE Coal Conversion - Brayton Point Station, New England Power Company

(1) Notwithstanding the provisions of 310 CMR 7.02 Table 1 and 310 CMR 7.05.1.f, on and after November 1, 1978 and prior to November 1, 1988, Units 1, 2 and 3 of the New England Power Company's Brayton Point Station, Somerset, Massachusetts, may utilize solid fossil fuel (coal) as the fuel of use, provided that:

(a) Application for approval to utilize such fuel has been made to the Department under the provisions of 310 CMR 7.02 and said application has been approved by the Department in writing.

(b) Such fuel shall have an average sulfur content not in excess of 1.21 pounds per million Btu heat release potential for any monthly period nor exceed 2.31 pounds per million Btu heat release potential in any day, as measured in accordance with procedures prescribed by the Department.

(c) Emissions of particulate matter from the facility shall be limited to a maximum of 0.08 pounds per million Btu input as measured by testing conducted under isokinetic sampling conditions and in accordance with Environmental Protection Agency test methods 1 through 5 as specified on the Code of Federal Regulations, Title 40, Part 60, Appendix A - Standards of Performance for New Stationary Sources or by another method correlated to the above method to the satisfaction of the Department

(d) All solid fuel burning shall be conducted strictly in accordance with the application as approved by the Department and in conformance with applicable laws and regulations not specifically excepted.

REGULATION 7.18 U Volatile Organic Compounds

7.18.1 U Application

(a) Section 7.18 in its entirety shall apply to solvent metal cleaning; and facilities which emit volatile organic compounds in the application of surface coating to automobiles, metal cans, metal furniture, large appliances, and insulation of magnet wire.

(b) For the purposes of Section 7.18 in its entirety, methane, ethane, 1, 1, 1 - Trichloroethane (Methyl Chloroform), and Trichlorotrifluoroethane (Freon 113) shall be exempt.

7.18.2 U Compliance with Emission Limitations

(a) Persons owning, leasing or controlling the operation of any facility described in 310 CMR 7.18.3, 7.18.4, 7.18.5, and 7.18.6 shall achieve full compliance by July 1, 1980 with the regulatory emission limitation applicable to such facility or take the actions shown below:

(1) justify to the Department that additional time is needed, and
(2) submit a proposed plan and compliance schedule for said facility to the Department not later than January 1, 1980.

Justification for additional time to comply with regulatory emission limitations, and submittal of proposal plans and compliance schedules are subject to review and approval by the Department and must provide for compliance with applicable regulatory emission limitations as expeditiously as practicable, but in no case later than July 1, 1982.

All compliance schedules for process equipment replacement or modification, or installation of control equipment shall provide for periodic increments of progress including submittal of engineering plans, ordering of equipment after plan approval, installation date after confirmation of order by the manufacturer, and date by which the applicable regulatory emission limitation will be achieved after equipment is in satisfactory operation.

All compliance schedules based upon reformulation shall provide for periodic increments of progress including submittal of engineering plans, operating and maintenance procedures, schedules for research and development, purchase orders for reformulations, commencement and completion of process modifications, and date by which regulatory emission limitation will be achieved.

(b) No action has been taken as of July 31, 1981.

(c) For the purposes of 310 CMR 7.18 in its entirety, persons owning, leasing, or controlling any facility shall upon request of the Department perform or have performed, tests to determine compliance in accordance with methods approved by the Department under the provisions of 310 CMR 7.13.

(d) For the purpose of 310 CMR 7.18 in its entirety, on and after July 1, 1980, any person owning, leasing or controlling any facility regulated hereunder shall store and dispose of volatile organic compounds in a manner which will minimize evaporation to the atmosphere.

Proper storage shall be in a container with a tight fitting cover.

Proper disposal shall include incineration in an incinerator approved by the Department, transfer to another person licensed by the Department to dispose of, reclaim and handle volatile organic compounds, or any other equivalent method approved by the Department.

7.18.3 U Metal Furniture Surface Coating

No person owning, leasing, or controlling the operation of any metal furniture coating line shall cause, suffer, allow, or permit emissions therefrom in excess of those emission limitations set forth in the following table and within the time schedule specified in 310 CMR 7.18(2).

Table 1

Emission Limitations
Metal Furniture Surface Coating

U Volatile Organic Compounds

Facility Size Potential Emissions Tons Per Year	Emission Limitation Lbs. of volatile organic compounds per gallon of coating (excluding water) at application
greater than 100	3.0

Analytical methods for comparison with these emission limitations must be conducted in accordance with ASTM D 1475-60, and/or ASTM D 1644-59 (Method A only), and/or ASTM D 2369-73, and/or Federal Standard 141a, Method 4082.1, and/or any other method(s) which has been correlated to the above method(s) to the satisfaction of the Department.

7.18.4 U Metal Can Surface Coating

No person owning, leasing, or controlling the operation of any metal can coating line shall cause, suffer, allow, or permit emissions therefrom in excess of those emission limitations set forth in the following table and within the time schedules specified in 310 CMR 7.18.2.

Table 2

Emission Limitations
Metal Can Surface Coating

U Volatile Organic Compounds

Emission Source	Emission Limitation Lbs. of volatile organic compounds per gallon of coating (excluding water) at application
Sheet base coat (exterior and interior) and exterior overvarnish	2.8
Two-piece can exterior (basecoat and overvarnish)	2.8
Two and three-piece can interior body spray	4.2
Two-piece can exterior end (spray or roll coat)	4.2
Three-piece can side seam spray	5.5
End sealing compound	3.7

Analytical methods for comparison with these emission limitations must be conducted in accordance with ASTM D 1475-60, and/or ASTM D 1644-59 (Method A only), and/or ASTM D 2369-73, and/or Federal Standard 141a, Method 4082.1, and/or any other method(s) which has been correlated to the above method(s) to the satisfaction of the Department.

7.18.5 U Large Appliance Surface Coating

No person owning, leasing, or controlling the operation of any large appliance coating line shall cause, suffer, allow, or permit emissions therefrom in excess of those emission limitations set forth in the following table and within the time schedules specified in 310 CMR 7.18.2.

Table 3

Emission Limitation
Large Appliance Surface Coating

U Volatile Organic Compounds

Facility Potential Emissions Tons Per Year	Emission Limitation Lbs. of volatile organic compounds per gallon of coating (excluding water) at application
greater than 100	2.8

Analytical methods for comparison with these emission limitations must be conducted in accordance with ASTM D 1475-60, and/or ASTM D 1644-59 (Method A only), and/or ASTM D 2369-73, and/or Federal Standard 141a, Method 4082.1, and/or any other method(s) which has been correlated to the above method(s) to the satisfaction of the Department.

7.18.6 U Magnet Wire Insulation Surface Coating

No person owning, leasing, or controlling the operation of any magnet wire insulation coating line shall cause, suffer, allow, or permit emissions therefrom in excess of those emissions limitations set forth in the following table and within the time schedules specified in 310 CMR 7.18.2.

Table 4

Emission Limitation
Magnet Wire Insulation Surface Coating

U Volatile Organic Compounds

Facility Size Potential Emissions Tons Per Year	Emission Source	Emission Limitation Lbs. of volatile organic compounds per gallon of coating (excluding water) at application
greater than 100	Cure Oven	1.7

Analytical methods for comparison with these emission limitations must be conducted in accordance with ASTM D 1475-60, and/or ASTM D 1644-59 (Method A only), and/or ASTM D 2369-73, and/or Federal Standard 141a, Method 4082.1, and/or any other method(s) which has been correlated to the above method(s) to the satisfaction of the Department.

7.18.7 U Automobile Surface Coating

No person owning, leasing, or controlling the operation of any automobile assembly plant shall cause, suffer, allow, or permit emissions therefrom in excess of those emission limitations set forth in the following table and within the time schedules specified in the following table.

Table 5

Emission Limitations
Automobile Surface Coating

U Volatile Organic Compounds

Emission Source	Emissions Limitations Lbs. of volatile organic compounds per gallon of coating (excluding water) at application	Compliance Date Achieve full compliance with emission limitation
Prime application, flash off area, and oven	2.1 and 1.2	By July 1, 1979 By December 31, 1982

Table 5 (continued)

Emission Source	Emissions Limitations Lbs. of volatile organic compounds per gallon of coating (excluding water) at application	Compliance Date Achieve full compliance with emission limitation
Primer-surfacer application flash off area, and oven	3.0	By December 31, 1980
	and 2.8	By December 31, 1985
Topcoat application flash off area, and oven	5.8*	By December 31, 1979
	5.0*	By December 31, 1982
	and 2.8*	By December 31, 1985
Final repair application flash off area, and oven	4.8*	By December 31, 1985

Analytical methods for comparison with these emissions limitations must be conducted in accordance with ASTM D 1475-60, and/or ASTM D 1644-59 (Method A only), and/or ASTM D 2369-73, and/or Federal Standard 141a, Method 4082.1, and/or any other method(s) which has been correlated to the above method(s) to the satisfaction of the Department.

* Compliance with these emissions limitations shall be based upon an arithmetic average of topcoat coatings and final repair coatings.

7.18.8 U Solvent Metal Degreasing.

(a) Cold Cleaning Degreasing - On and after December 31, 1980 any person owning, leasing or controlling the operation of a cold cleaning degreaser utilizing a volatile organic compound shall equip such cold cleaning degreaser with the following emission control devices or equal:

1. A cover of a design such that it is easily operated; and

2. Provisions for draining cleaned parts such that the parts are enclosed while draining for a minimum of 15 seconds; and

3. A design such that the ratio of the height from the top of the liquid level to the top of the tank divided by the width of the degreaser is equal to or greater than 0.75; or a water cover where the solvent is insoluble in and heavier than water; or any other method or device as approved by the Department.

(b) Vapor Degreasing - On and after December 31, 1980 any person owning, leasing or controlling the operation of a vapor degreaser with an open area greater than 10 square feet which utilizes volatile organic compounds shall equip such vapor degreaser with the following emission control devices or equal:

1. A cover of a design to be easily operated in such a manner which will not disturb the vapor zone; and

2. A safety switch(es) which will shut off the sump heat if the condensor malfunctions; and

3. Install or provide a design such that the ratio of the height from the top of the vapor level to the top of the tank divided by the width of the degreaser is equal to or greater than 0.75; or a refrigerated chiller; or local exhaust ventilation and an adsorption or other collection system; or an enclosed design whereby the cover is open only when the dry part is entering or exiting the degreaser.

(c) Conveyorized Degreasing - On and after December 31, 1980 any person owning, leasing, or controlling the operation of a conveyorized degreaser with air/vapor interface greater than 21 square feet which utilizes volatile organic compounds shall equip such vapor degreaser with the following emission control devices or equal:

1. A refrigerated chiller or local exhaust ventilation and an adsorption or other collection system; and

2. A drying tunnel or rotating (tumbling) basket to prevent carryout of liquid vapor; and

3. Safety switch(es) which will shut off sump heat if the condensor malfunctions; and

4. A design to minimize openings at the entrance and exits to silhouette conveyors and workloads; and

5. Covers to close entrances and exits when the conveyors are not in use.

(d) On and after December 31, 1980 no person shall cause, suffer, allow or permit the operation of a solvent metal cleaner subject to 310 CMR 7.18.8.a, 7.18.8.b, or 7.18.8.c in a manner that is not in conformance with a standard operating procedure that has been approved by the Department.

7.18.9 U Cutback Asphalt

(a) On and after May 1, 1982, no person shall cause, suffer, allow or permit use or application cutback asphalt for paving purposes.

(b) Section 310 CMR 7.18.9.a shall not apply to the following:

1. Cutback asphalt usage from October 1 thru April 30.

2. Cutback asphalt used as a prime coat on open (coarse) surfaces for the purpose of preparing an untreated, absorbant surface to receive an asphalt concrete surface (hot mix).

3. Long-term storage or stockpiling of patching mixes used in pavement maintenance.

4. Cutback asphalt usage when the predicted high ambient temperature is below 50 degrees F.

5. Cutback asphalt usage in Dukes and Nantucket Counties.

REGULATION 7.19 - Interim Sulfur-in-Fuel Limitations for Fossil Fuel Utilization Facilities Pending Conversion to an Alternative Fuel or Implementation of Permanent Energy Conservation Measures.

7.19.1 Purpose and Intent: The purpose of this section is to reduce the use of petroleum products by facilitating the conversion away from petroleum products to alternative fuels in a manner which is consistent with the protection of the public health and environmental standards and by encouraging significant energy conservation. No portion of this section shall be construed to allow emissions of any contaminant which would cause or contribute to a violation of the primary or secondary ambient air quality standards for that contaminant or any applicable P.S.D. increment, or a condition which would cause a nuisance.

It is the further intent of the Department in adopting this section to implement the mandate of the Massachusetts Air Pollution Control Act, G.L.c. 111 section 142A-J, to "minimize the economic cost" of the State Implementation Plan with respect to the amount of sulfur in fuels. The Department expects and intents that the financial benefit accruing to sources from burning higher sulfur fuel pursuant to this section will be employed in the installation of pollution control equipment, the conversion to alternate fuels, and/or energy conservation measures.

7.19.2 Applicability: Any fossil-fuel utilization facility with an energy input capacity of less than 250,000,000 BTU/hr which is now burning petroleum products as a primary energy source may apply to the Department under the provisions of this section for permission to convert from such petroleum products to an alternative fuel or to implement permanent energy conservation measures, and for permission to use during the interim period, fuel with a higher sulfur content than would otherwise be permitted. In applying for such permission the facility shall submit the information required by Regulation 7.02(2).

7.19.3 After reviewing all information submitted to it, the Department shall approve such proposal for conversion or conservation if it finds that the following requirements will be met.

(a) The facility either:

1. shall promptly commence conversion to such alternative fuel including installation of pollution control equipment as necessary to insure that, when the conversion has been completed, use of the alternative fuel will produce a particulate emission rate in compliance with applicable emission limitations and the use of the alternative fuel will permanently displace at least 35 per cent of the fuel burned at the facility during the previous

calendar year (Such 35 per cent displacement shall be at lest 50,000 gallons), or

2. shall promptly commence implementation of permanent energy conservation measures designed to achieve a significant reduction in on-site fuel use (at least 50,000 gallons per year over the most recent calendar year). All reasonably available conservation measures shall be employed by the applicant.

(b) During conversion or implementation of permanent energy conservation measures, the facility shall use fuel with a sulfur content of no greater than 1.21 lbs. per million BTU heat release potential;

(c) During conversion or implementation of permanent energy conservation measures, the facility shall not exceed the emission rate for particulates applicable to it at the time such source submits its application under this section;

(d) At the end of the interim period during which the facility was allowed to burn higher sulfur fuel under this Section:

1. a facility shall burn a fuel with a sulfur content no greater than the fuel the facility burned before it was approved to burn a higher sulfur content fuel under this section; or

2. a facility shall have presented and implemented a plan approved by the Department under which use of higher sulfur fuel would cause no greater emissions of sulfur compounds into the ambient air than if the lower sulfur fuel were used and the conditions of the Department's approval have been agreed to by the applicant in writing; or

3. a facility which prior to its approval under this section burned fuel containing 0.55 pounds of sulfur per million BTU heat release potential may continue to burn fuel containing up to 1.21 pounds of sulfur per million BTU heat release potential if through the use of permanent energy conservation measures approved by the Department the facility has reduced its consumption of petroleum products at the facility by at least 56 per cent. Emissions of sulfur oxides shall be no greater than before the facility was approved under this Section; or

4. a facility which prior to its approval under this section burned fuel containing 0.28 pounds of sulfur per million BTU heat release potential may burn fuel containing up to 0.55 pounds of sulfur

per million Btu heat release potential if through the use of permanent energy conservation measures approved by the Department the facility has reduced its consumption of petroleum products at the facility by at least 50 per cent. Emissions of sulfur oxides shall be no greater than before the facility was approved under this Section.

(e) The facility indicates in writing its willingness to adhere to the timetable set by the Department pursuant to Section (4) below;

(f) The facility indicates in writing its acceptance of the following condition, which shall be included in each approval issued by the Department under this Section: "If the Department determines that a source has knowingly and willfully failed to comply with its timetable or other conditions of its approval, and such failure is no due to circumstances beyond its control, the Department shall assess a penalty upon the source, payable to the Commonwealth of Massachusetts, in an amount determined by the Department based upon the difference in price between higher sulfur fuel and the fuel that would otherwise be required, multiplied by the amount of fuel burned after the missed schedule date or during the period of violation of the condition of approval.";

(g) During conversion or implementation of energy conservation measures, where practicable, the facility shall have available ready for conversion within six (6) hours notice form Department a three (3) day supply of fuel with a lower sulfur content as specified by the Department which shall be utilized during periods of adverse meteorological conditions when directed by the Department;

(h) The facility has not previously received an approval under this Section;

(i) The facility will not cause or contribute to a violation of any primary or secondary ambient air quality standard or any other applicable federal or state law or regulatory requirement either during or after the conversion or conservation period.

7.19.4 (a) In approving such proposal, the Department shall specify a schedule with deadlines by which time various aspects of the conversion and installation of pollution control equipment or energy conservation measures shall be completed. In establishing such deadlines, the Department shall require that final installation of such fuel conversion and pollution control equipment or implementation of energy conservation measures be accomplished as expeditiously as practicable, and in no event more than thirty months from the commencement of such installation unless the Department finds that good cause exists for a longer period, and financial difficulty to the company shall not be considered to be such "good cause".

(b) Failure of a source to meet one or more of the deadlines referred to in s.4(a) shall constitute sufficient grounds for the Department to revoke its approval to burn higher sulfur fuel. Upon such revocation, the facility shall revert to the burning of fuel conforming to 310 CMR 7.05.

7.19.5 Public Comment Period: Not less than thirty (30) days prior to issuing any approval under this section, the Department shall publish in an appropriate newspaper of general circulation, at the expense of the applicant, notice of the application. Such notice shall also indicate that the Department will accept and consider any comments submitted in writing during the thirty (30) days immediately following publication of the notice. In evaluating the application the Department shall consider all timely comments submitted. No final approval of any application under this section shall be issued by the Department until after the close of the thirty (30) day comment period.

7.19.6 Notwithstanding any other provisions in this section, the Department shall not approve any request to burn higher sulfur fuel under this section if it finds that additional emissions which would result from such approval when added to the additional emission resulting from prior approvals under this section, would produce a total increase in the state of more than 42,000 tons of SO2 emitted per year over the existing annual inventory as of July 1, 1980.

7.19.7 Unless they are re-promulgated by the Department, the provisions of this section shall cease to be effective with respect to new applications at the close of business on December 31, 1983. All applications filed with the Department on or before that date shall be accepted by the Department, and the Department shall issue an approval for any such application which meets the requirements of this section.

REGULATIONS 7.20 through 7.49

(Reserved for future use)

REGULATION 7.50. Variances

50.1 The Department upon its own initiative or upon application to it by any person, after due notice and a public hearing, may vary the application of any regulation as it relates to any person as the Department may deem necessary.

Variances may be granted when in the opinion of the Department efforts have been made in good faith by such person to comply with the regulations prior to the petition for a variance, and:

50.2 (a) when enforcement of the regulation is considered to be impractical due to lack of currently available technology or available conforming fuel, or

(b) when compliance with the regulation is considered to be impossible due to unavoidable delays in obtaining control equipment, or

(c) when compliance with the regulation is interfered with due to acts of nature, or

(d) when the benefits expected to be derived from requiring such person to comply with such regulation would be substantially outweighed by the cost to such person and the loss to the public resulting from compliance, and that granting such a variance would have no significant deleterious effect on public health.

50.3 Variances where granted, shall:

(a) be in writing

(b) not extend beyond May 31, 1975, or such later date as may be prescribed by Federal law.

(c) be subject to the approval of the administrator of the Environmental Protection Agency.

The applicant shall assume all costs such as, but not limited to, the publishing of legal notices incidental to the application for and granting of a variance.

REGULATION 7.51. U Hearings Relative to Orders and Approvals

51.1 The Department will grant a hearing, upon application in writing, for the purpose of reconsideration to any person to whom an ORDER has been issued, provided that such application is made within then (10) days of the receipt of the ORDER.

51.2 Upon receipt of a proposal for the construction, substantial reconstruction or alteration of any facility regulated by the Department of Public Utilities, insofar as the facility may have an impact on air quality, the Department of Public Health shall hold a public hearing prior to consideration for approval or disapproval of said facility.

REGULATION 7.52. U Enforcement Provisions

52.1 Any police department, fire department, board of health, officials, or building inspector or his designee acting within his jurisdictional area is hereby authorized by the Department to enforce, as provided for in Section 142B of Chapter 111, any regulation in which specific reference to Regulation 310 CMR 7.52 is cited.

REGULATIONS 7.53 through 7.59

(Reserved for future use)

REGULATION 7.60. U Severability

60.1 Each of these regulations shall be construed as separate to the end that if any regulation or sentence, clause, or phrases thereof shall be held invalid for any reason, the remainder of that regulation and all other regulations shall continue in full force.

THE COMMONWEALTH OF MASSACHUSETTS

DEPARTMENT OF PUBLIC HEALTH
DIVISION OF ENVIRONMENTAL HEALTH
BUREAU OF AIR QUALITY CONTROL

REGULATIONS
FOR THE PREVENTION AND/OR ABATEMENT
OF
AIR POLLUTION EPISODE
AND
AIR POLLUTION INCIDENT
EMERGENCIES

(Part of the Air Pollution Emergency Plan)

Adopted under the provisions of Section 2B, Chapter 111 of the General Laws, as inserted by Chapter 900 of the Acts of 1967.

Revised 2/9/72

REGULATION 1. INTRODUCTION

The purpose of the "Regulations for the Prevention and/or Abatement of Air Pollution Episode and Air Pollution Incident Emergencies" is to prevent ambient air contaminant concentrations at any location in the Commonwealth from reaching levels which would constitute significant harm or imminent and substantial endangerment to the health of persons. The levels which would constitute significant harm, or imminent and substantial endangerment, to the health of persons as have been defined by the Administrator of the Environmental Protection Agency are set forth in the table below:

CONTAMINANT CONCENTRATION LEVELS

Prescribed by the EPA Administrator as would cause significant harm, or Imminent and Substantial Endangerment, to Health.

Contaminant	Ambient Air Contaminant Concentration Levels				
	Ave. ugm/M^3	ppm	COHs	Duration (average)	Product
Sulfur Dioxide (SO_2)	2,620	1.0		24-hr.	
Particulate Matter					
Hi-Vol (TSP)	1,000			24-hr.	
Tape Stain (COHs)			8	24-hr.	
Product of:					
(SO_2) x (TSP) or	(SO_2) (TSP)			24-hr.	490,000
(SO_2) x (COHs)		(SO_2)	(COHs)	24-hr.	1.5
Carbon Monoxide	144,000	125		1-hr.	
Carbon Monoxide	86,300	75		4-hr.	
Carbon Monoxide	57,500	50		8-hr.	
Photochemical Oxidant	1,200	0.6*		1-hr.	
Nitrogen Dioxide	3,750	2.0		1-hr.	
Nitrogen Dioxide	938	0.5		24-hr.	

* Expressed as Ozone (O_3)

REGULATION 2. DEFINITIONS

When used in the "Regulations for the Prevention and/or Abatement of Air Pollution Episode and Air Pollution Incident Emergencies" and in communications, notices, or orders relative thereto, the following words and phrases shall have the meanings ascribed below:

2.1 AIR CONTAMINANT means any substance or man-made physical phenomenon in the ambient air space and includes, but is not limited to, dust, flyash, gas, fume, mist, odor, smoke, vapor, pollen, microorganism, radioactive material, ionizing radiation, heat, sound, any combination thereof, or any decay or reaction product thereof.

2.2 AIR CONTAMINANT SOURCE means any place at or which any air contaminant is emitted to the ambient air space.

2.3 AIR POLLUTION means the presence in the ambient air space of one or more air contaminants or combinations thereof in such concentrations and of such duration as to:

(a) cause a nuisance,
(b) be injurious to human or animal life, to vegetation, or to property, or
(c) unreasonably interfere with the comfortable enjoyment of life and property or the conduct of business.

2.4 AIR POLLUTION EPISODE means a state of the ambient air environment in which the concentrations of air contaminants are elevated to or are in excess of certain defined levels and that certain meteorological conditions are expected to continue.

2.5 AIR POLLUTION EPISODE ALERT (APEA) means that degree of Air Pollution Episode which meets the criteria for determination of an Air Pollution Episode Alert as set forth in Regulation 3 of these regulations.

2.6 AIR POLLUTION EPISODE EMERGENCY (APEE) means that degree of Air Pollution Episode which meets the criteria for determination of an Air Pollution Episode Emergency as set forth in Regulation 3 of these regulations.

2.7 AIR POLLUTION EPISODE WARNING (APEW) means that degree of Air Pollution Episode which meets the criteria for determination of an Air Pollution Episode Warning as set forth in Regulation 3 of these regulations.

2.8 AIR POLLUTION INCIDENT EMERGENCY (APIE) means a condition in the atmosphere in the Commonwealth or any part thereof, which constitutes a present or reasonably imminent danger to health.

2.9 AMBIENT AIR SPACE means unconfined space occupied by the atmosphere above the geographical area of the District.

2.10 ATMOSPHERIC STAGNATION ADVISORY means an advisory, issued by the National Weather Service, relative to meteorological conditions that are predicted to be manifest for 36 hours or more and to be characterized by poor ventilation and potential increase of ambient air contaminant concentration levels. (The advisories may be prepared for regions of substantial area or, as the need may dictate, for local, relatively small areas.)

2.11 COH - COEFFICIENT OF HAZE means the unit which quantifies the increase in photometric density of a filter tape due to deposition of particles per 1000 linear feet of air through a 1" diameter filter when sampled at the rate of approximately 0.25 cfm.

2.12 COMMISSIONER means the Commissioner of the Department of Environmental Quality Engineering or his official designees.

2.13 DEPARTMENT means the Department of Environmental Quality Engineering.

2.14 EMISSION means any discharge or release of an air contaminant to the ambient air space.

2.15 EMISSION REDUCTION PLAN(s) means the plans for reducing emissions during Air Pollution Episode Alerts, Warnings, and/or Emergencies.

2.16 ugm/M^3 means micrograms per cubic meter.

2.17 NEWS MEDIA means certain channels of communication by which information is coveyed between persons; it includes, but is not limited to radio, television, and newspapers.

2.18 p.p.m. means parts per million.

2.19 PERSON means any individual, partnership, association, firm, syndicate, company, trust, corporation, department, authority, bureau, agency, political subdivision of the Commonwealth, law enforcement agency, fire fighting agency, or any other entity recognized by law as the subject of rights and duties.

2.20 TSP means Total Suspended Particulates expressed in ugm/M^3.

REGULATION 3. AIR POLLUTION EPISODE CRITERIA

3.1 EPISODE CRITERIA. Conditions justifying the proclamation of air pollution alert, air pollution warning, or air pollution emergency shall be deemed to exist whenever the Department determines that the accumulation of air pollutants in any place is attaining or has attained levels which could, if such levels are sustained or exceeded, lead to a substantial threat to the health of persons. In making this determination, the Department will be guided by the following criteria:

(a) "Air Pollution Forecast": An internal watch by the Department shall be actuated by a National Weather Service advisory that Atmospheric Stagnation Advisory is in effect.
(b) "Alert": The Alert level is that concentration of pollutants at which first stage control actions is to begin. An Alert will be declared when any one of the levels listed in 3.2(a) is reached at any monitoring site and meterological conditions are such that the Department is of the opinion that, unless appropriate control actions to reduce emissions are taken, ambient air contaminant concentration levels will remain at or in excess of the above levels for twelve (12) or more hours.
(c) "Warning": The warning level indicates that air quality is continuing to deteriorate and that additional control actions are necessary. A warning will be declared when any one of the levels listed in 3.2(b) is reached at any monitoring site and meteorological conditions are such that the Department is of the opinion that, unless appropriate control actions to reduce emissions are taken, ambient air contaminant concentration levels will remain at or in excess of the above levels for twelve (12) or more hours.
(d) "Emergency": The emergency level indicates that air quality is continuing to deteriorate toward a level of significant harm to the health of persons and that the most stringent control actions are necessary. An emergency will be declared when any one of the levels listed in 3.2(c) is reached at any monitoring site and meteorological conditions are such that the Department is of the opinion that, unless appropriate control actions to reduce emissions are taken, ambient air contaminant concentration levels will remain at or in excess of the above levels for twelve (12) or more hours.
(e) "Termination": Once declared,any status reached by application of these criteria will remain in effect until the criteria for that level are no longer met. At such time, the next lower status will be assumed, or the episode will be declared over.

3.2 (a)

CRITERIA
FOR DETERMINATION OF
AIR POLLUTION EPISODE ALERT (APEA)

Contaminant	Ambient Air Contaminant Concentration Levels				
	Ave. ugm/M^3	ppm	COHs	Duration	Product
Sulfur Dioxide (SO_2)	800	0.3		24-hr.	
Particulate Matter					
Hi-Vol (TSP)	375			24-hr.	
Tape Stain (COHs)			3	24-hr.	
Product of:					
(SO_2) x (TSP) or	(SO_2) (TSP)			24-hr.	65,000
($S)_2$) x (COHs)		(SO_2)	(COHs)	24-hr.	0.2
Carbon Monoxide	17,000	15		8-hr.	
Ozone (O_3)	400	0.2		1-hr.	
Nitrogen Dioxide	1,130	0.6		1-hr.	
Nitrogen Dioxide	282	0.15		24-hr.	

Meteorological Conditions are such that the Department is of the opinion that, unless appropriate control actions to reduce emissions are taken, ambient air contaminant concentration levels will remain at or in excess of the above levels for twelve (12) or more hours.

3.2 (b)

CRITERIA
FOR DETERMINATION OF
AIR POLLUTION EPISODE WARNING (APEW)

Contaminant	Ambient Air Contaminant Concentration Levels				
	Ave. ugm/M^3	ppm	COHs	Duration	Product
Sulfur Dioxide (SO_2)	1,600	0.6		24-hr.	
Particulate Matter					
Hi-Vol (TSP)	625			24-hr.	
Tape Stain (COHs)			5	24-hr.	
Product of:					
(SO_2) x (TSP) or	(SO_2) (TSP)			24-hr.	261,000
(SO_2) x (COHs)		(SO_2)	(COHs)	24-hr.	0.8
Carbon Monoxide	34,000	30		8-hr.	
Ozone (O_3)	800	0.4		1-hr.	
Nitrogen Dioxide	2,260	1.2		1-hr.	
Nitrogen Dioxide	565	0.3		24-hr.	

Meteorological Conditions are such that the Department is of the opinion that, unless appropriate control actions to reduce emissions are taken, ambient air contaminant concentration levels will remain at or in excess of the above levels for twelve (12) or more hours.

3.2 (c)

CRITERIA FOR DETERMINATION OF AIR POLLUTION EPISODE EMERGENCY (APEE)

Contaminant	Ambient Air Contaminant Concentration Levels				
	Ave. ugm/M^3	ppm	COHs	Duration	Product
Sulfur Dioxide (SO_2)	2,100	0.8		24-hr.	
Particulate Matter					
Hi-Vol (TSP)	875			24-hr.	
Tape Stain (COHs)			7	24-hr.	
Product of:					
(SO_2) x (TSP) or	(SO_2) (TSP)			24-hr.	393,000
(SO_2) x (COHs)		(SO_2)	(COHs)	24-hr.	1.2
Carbon Monoxide	46,000	40		8-hr.	
Ozone (O_3)	1,000	0.5		1-hr.	
Nitrogen Dioxide	3,000	1.6		1-hr.	
Nitrogen Dioxide	750	0.4		24-hr.	

Meteorological Conditions are such that the Department is of the opinion that ambient air contaminant concentration levels will remain at or in excess of the above levels for twelve (12) or more hours.

REGULATION 4. AIR POLLUTION EPISODE POTENTIAL ADVISORIES

4.1 Atmospheric Stagnation Advisories received by the Department shall be evaluated by the Department in the light of manifest local meteorological conditions, weather forecast, ambient air contaminant concentration levels observed, and anticipated weather-influenced emissions.

4.2 During period of suspected poor atmospheric ventilation, Atmospheric Stagnation Advisories, and Air Pollution Episodes, the Department will maintain close liaison with the "National Weather Service" to exchange information of mutual benefit.

REGULATION 5. DECLARATION OF AIR POLLUTION EPISODES AND INCIDENTS

5.1 The Commissioner, based upon the Department's evaluation of such information relative to ambient air contaminant concentrations levels as may be available to the Department, meteorological conditions extant, the Criteria set forth in Regulation 3 and/or other substantive and germane information, shall declare an

(a) Air Pollution Episode Alert
(b) Air Pollution Episode Warning, or
(c) Air Pollution Incident Emergency

5.2 The Commissioner, with the approval of the Governor, based upon the Department's evaluation of such information relative to the ambient air contaminant concentrations levels as may be available to the Department, meteorological conditions extant, the Criteria set forth in Regulation 3 and/or other substantive and germane information shall declare an Air Pollution Episode Emergency.

5.3 When an Air Pollution Episode or Incident Emergency is declared, the Commissioner shall specify the contaminant(s) and portion(s) of the Commonwealth in which said Episodes or Incident Emergencies pertain.

5.4 Notice of a declaration of an Air Pollution Episode or Incident Emergency shall be made through the News Media to the extent feasible and such other means of communication as the Commissioner deems appropriate.

REGULATION 6. TERMINATION OF AIR POLLUTION EPISODES AND INCIDENT EMERGENCIES

6.1 Whenever an Air Pollution Episode is declared, said level (or status) of episode will remain in effect until the criteria for that said level are no longer being met and, at such time, the next lower level (or status) will be assumed.

6.2 When the conditions which occasioned the need for declaration of an Air Pollution Episode or Incident Emergency no longer exist, the Commissioner shall declare a termination.

REGULATION 7. EMISSION REDUCTIONS STRATEGIES

7.1 Upon the declaration of an Air Pollution Episode, any person responsible for or having control over an ambient air contaminant emission source shall implement, to the extent possible, the indicated action strategies as listed below for the episode level and contaminant of concern as declared by the Commissioner.

Action Strategies	Alert	Warning	Emergency	TSP SO_2	O_3	CO
Notification to sensitive person	X	X	X	X	X	X
APC Regulations in force	X	X	X	X	X	X
Open burning variances cancelled	X	X	X	X	X	X
Incinerator use not allowed	-	X	X	X	-	-
Request public to voluntarily curtail motor vehicle use	X	-	-	-	X	X
Stop unnecessary motor vehicle use	-	X	X	-	X	X
Electric Power Generating Facilities Boiler lancing or soot blowing between 12 AM - 4 PM only unless notified otherwise by the Department	X	X	X	-	-	-
Electric Power Generating Facilities input capacity = 250 MBTU/hr.	-	-	-	-	-	-
Use of lowest sulfur content fuel available	X	X	X	X	X	-
Use of lowest ash content fuel available	X	X	X	X	X	-
Power source switching	X	X	X	X	X	
Make ready for use of (ERP) Emission Reduction Plan	-	X	-	X	-	-
Process Steam Generating Facility						
Boiler lancing or soot blowing between 12 AM - 4 PM unless notified otherwise by the Department	X	X	X	-	-	-
Use of lowest sulfur content fuel available	X	X	X	X	-	-
Use of lowest ash content fuel available	X	X	X	X	-	-
Purchase instead of generate electric power from steam	X	X	X	X	-	-
Make ready for use of ERP	-	X	-	X	-	-
Put ERP into operation	-	-	X	X	-	-

Action Strategies	Alert	Warning	Emergency	TSP SO_2	O_3	CO
Other Industries						
Boiler lancing or soot blowing between 12 AM - 4 PM unless notified otherwise by the Department	X	X	X	-	-	-
Purchase instead of generate electric power	X	X	X	X*	-	-
Make ready for ERP	-	X	-	X*	-	-
Put ERP into operation	-	-	X	X*	-	-
Notification to sensitive persons	X	X	X	X	X	X
Stop all sandblasting and demolition activities	X	X	X	X	-	-
Stop construction activities that generate pollutants	X	X	X	X	-	-
The following shall cease operations						
mining and quarrying of non-meallic minerals	-	-	x	-	-	-
manufacturing establishments with no ERP	-	-	X	-	-	-
wholesale trade establishments	-	-	X	-	-	-
non-essential local, county, state, and federal offices	-	-	X	-	-	-
retail trade establishments	-	-	X	-	-	-
banks, credit agencies, etc.	-	-	X	-	-	-
domestic services	-	-	X	-	-	-
recretional and sporting facilities and events	-	-	X	-	-	-
educational institutions	-	-	X	-	-	-

* applies only to Industries discharging organics

REGULATION 8. EMISSION REDUCTION PLANS (ERP)

8.1 Any person responsible for the operation of an emission source as set forth in Regulation 7 of these regulations or any other emission source when specified by the Department in writing shall prepare standby Emissions Reduction Plans (ERP) to reduce or eliminate emissions of air contaminants.

8.2 Standby Emissions Reduction Plans required by Regulation 8.1 shall be in writing and shall identify the sources of air contaminants, the approximate amount of reduction of contaminants, and a brief description of the manner in which the reduction will be achieved.

8.3 ERPs Submittal and Approval

8.3.1 Standby plans (ERPs) required by Regulation 8.2 shall be submitted to the Department upon request within thirty (30) days of the receipt of such request.

8.3.2 Standby plans (ERPs) shall be subject to review and approval by the Department. And if, in the opinion of the Department, any ERP is inadequate, the Department shall disapprove the plan and request the preparation of an amended plan. The Department shall give the reasons for disapproval and shall require resubmittal of the plan within a reasonable period of time as determined by the Department.

8.4 During a declared Air Pollution Episode, standby ERPs as required by Regulation 8.2 shall be made available on the premises to any person authorized to enforce the provisions of these regulations and the person responsible for the operation of the emissions source shall be responsible for its implementation.

8.5 Any person responsible for the operation of stationary emission source having a capability of emitting 100 tons or more per year of sulfur dioxide, nitrogen dioxide, particulates, carbon monoxide, or hydrocarbons shall be subject to the provisions of Regulations 8.1, 8.2, 8.3, and 8.4.

8.6 Any person subject to the provisions of Regulation 8.5 shall submit an ERP to the Department for the Department's review for approval.

REGULATIONS 9 - 14

(Reserved)

REGULATION 15. AIR POLLUTION INCIDENT EMERGENCY (APIE)

15.1 The Commissioner shall declare an Air Pollution Incident Emergency if in his opinion, such is deemed advisable to prevent or abate a condition or impending condition which constitutes a present or reasonably imminent danger to the public health.

15.2 By nature of Air Pollution Incident Emergencies, as defined, APIE's do not lend themselves to specific preplanned strategies for the specific emission sources as in the case of Air Pollution Episodes.

15.3 Upon declaration of an Air Pollution Incident Emergency the Commissioner and his designee shall assume and exercise such authority and powers as are provided in Section 2B of Chapter 111, as amended, of the General Laws and as the Commissioner or his designee may deem necessary to effect a prevention or an abatement of the conditions which occasioned his declaration of the APIE.

15.4 Appropriate agencies of the Commonwealth and political subdivisions thereof shall cooperate with the Commissioner and his designees in efforts to effect the prevention of abatement of the Air Pollution Incident Emergency.

15.5 Steps taken by any person to effect or assist in the prevention or abatement of an Air Pollution Incident Emergency shall not be proof conclusive in any action to establish responsibility for the event or happening that occasioned the APIE and shall not prejudice his rights under the law.

REGULATIONS 16 - 20

(Reserved)

REGULATION 21. HEARINGS

The Department will grant a hearing, upon application in writing for the purpose of reconsideration to any person to whom an Order has been issued, provided that such application is made within ten (10) days of the receipt of the Order. The Order will remain in full force and must be obeyed during the reconsideration process unless modified by the Department.

REGULATION 22. ENFORCEMENT PROVISIONS

22.1 Any official of any police department or agency, fire department or agency, or health agency of the Commonwealth or political subdivision thereof is hereby authorized to enforce, as provided for in Section 2B and/or Section 142B of Chapter 111, Regulations 7, 8, 4 and 9 of these regulations.

REGULATIONS 23 - 29

(Reserved)

REGULATION 30. SEVERABILITY

30.1 Each of these regulations shall be construed as separate to the end that if any regulation or sentence, clause, or phrase thereof shall be held invalid for any reason, the remainder of that regulation and all other regulations shall continue in full force.